

Vol. 37-OK-911


Collier's

THE NATIONAL WEEKLY

TRAGEDIES
OF CHILDHOOD



A BROKEN HEAD-AND HEART



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a snowflake, as whole-
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and yet so tempting that every
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THE Angle Lamp

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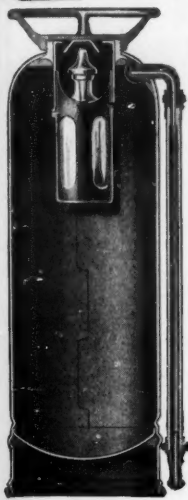
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Collier's

THE NATIONAL WEEKLY

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EDITORIAL BULLETIN

NEW YORK, SATURDAY, MARCH THIRTY-FIRST

And Now Easter

NEXT week's Easter Number of Collier's will have the
usual Easter luxuriance of tint and form. Miss Sarah S.
Stilwell has designed a Japanese fantasy for the cover,
which will be printed in four colors. The frontispiece, also in
color, exhibits one of Miss Jessie Willcox Smith's delectable
small boys lugging a great Easter lily as a gift for his mother.
The palette of Mr. Maxfield Parrish has added its contribution
to the color symphony in the form of the first of the Arabian
Nights series—"The Fisherman and the Genie." There will
likewise be a full-page drawing by Mr. A. B. Frost.

THE literary features of the Easter Number will be as strong
as the artistic. One of them will be the first of a series by
Richard Harding Davis on "Real Soldiers of Fortune." It will be
illustrated by Walter Appleton Clark and J. C. Leyendecker, as
well as with many photographs from the collection of the
author. Another attractive feature will be a story—"The Pillar
of Society"—by Josephine Daskam Bacon, with illustrations
by Jessie Willcox Smith. Still another story will be "The True
'Lixir," by Sewell Ford, illustrated by Frederic Dorr Steele.

Trailing a Revolution

RUSSIA is still "pacifying" the Baltic Provinces with the
firebrand and the knout. That is where the people a few
months ago started a republic, which was stamped out in blood
by an army led by a Tartar general. The first American cor-
respondent that passed through the devastated region in the
wake of that army has just written his experiences, and Collier's
will publish them soon, together with photographs taken on the
spot. When the Jacobin hordes ravaged La Vendee there were
no snap-shots of their proceedings. An English merchant in
Riga told Collier's correspondent that Orloff's reign of terror
was worse than France ever knew.

THE uprising in the Baltic Provinces was at the same time a
race, a class, and a political war. It was Letts against
Germans, peasants against landlords, subjects against rulers.
The account of such a struggle is no ordinary story.

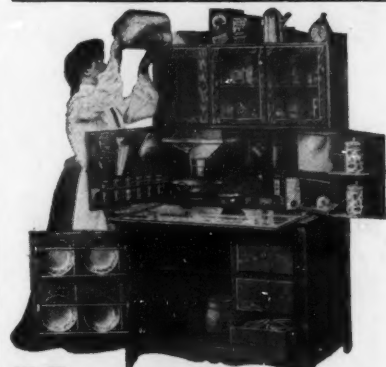
Juries and Other Things

MR. ARTHUR TRAIN, one of Mr. Jerome's assistants, begins
in this number an illuminating series of articles on some
peculiarities of criminal justice. The first one, published to-day,
deals with "The Jury"; the second, to follow soon, will treat
of "The Witness."

ONE of Mr. Kemble's recent cartoons represented the Steel
Trust as an Angel of Peace. The remarkable story about
Cuban politics in the present number of Collier's gives another
example of capital in the angelic role. Cuba might well be in
the throes of a revolution to-day, with American troops enforc-
ing the Platt Amendment, if a great banker and sugar planter
had not conceived the happy idea of beating the machete of the
most powerful popular leader into a pruning hook, or whatever
corresponds to a pruning hook on a sugar plantation.

A Thousand Dollars for a Short Story

WE are now in the fourth term of the Quarterly Short
Story Contest. A prize of \$1,000 will be awarded to the
best story submitted between March 1 and June 1, in addition
to the price of the manuscript at five cents per word, up to six
thousand words. That is the limit of payment, because a story
of six thousand words is as long as we can conveniently use.
Anything over that makes trouble, and while we may some-
times have to stand trouble, we do not care to offer it a special
invitation. Authors who have established and maintained rates
above the five-cent scale will receive their regular prices.
Fuller particulars may be obtained in a booklet, by addressing
the Fiction Department of Collier's.



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A Short Cut in Kitchen Work

Did you ever think about the time you
spend in getting ready to do your kitchen
work and in clearing up after you are
through with it?

It's walk, walk, walk. An endless chain
of steps.

Take baking day for instance—or even
one of the meals.

Think how long it takes you to get ready for it
—to collect all the utensils and materials—and
put them away again,—some in the pantry—some
in the cupboard—some in other places around the
kitchen.

That is the biggest part of the job—the most
disagreeable part.

It is the part of the work that a Hoosier Kitchen
Cabinet does away with—by grouping materials
and utensils in one complete combination pantry
and kitchen table so you can do your work all in
one place.

It will give you half the time you now spend in
the kitchen for other things.

It is not the actual work that takes the biggest
part of your time—it is getting
ready for it and putting things
away.

The new Hoosier catalog de-
scribes a short cut in kitchen
work—tells how you can have a
neat, orderly kitchen, with half
the work—and at a very small
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Type D. Four-cylinder Touring-car \$2800

Five passengers. Air-cooled motor. 20 "Franklin horse-power." Three speed sliding gear transmission. Shaft drive. 100-inch wheel base. 1800 pounds. 45 miles per hour. \$2800.

Buy with your mind as well as your eyes.

Buy power and capacity, not mere bulk. Buy strength, safety and all-day mileage. Buy the genuine luxury of real comfort.

The Franklin is the "grey-hound"; impressive, not for eye-filling avoirdupois, but the mind-satisfying ability and comfort which comes of an efficient motor in a strong roomy perfectly-suspended light-weight car.

The Franklin Motor Book—handsomest and clearest ever published—shows in full detail the distinctive features which make Franklins what they are. Write for it.

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CADILLAC

Among the many improvements is an automatic governor which limits the speed of the engine when the latter is disconnected, eliminating vibration and saving much fuel and energy. Another is the mechanically operated oil feed (found on all Cadillac models) which supplies oil to the engine in accordance with its speed, keeping it always in a state of perfect lubrication. Transmission is of the exclusive Cadillac planetary type with specially cut and hardened gears. The bodies are of unusual elegance, and luxuriously appointed. Wheel base of model H (30 h. p.) 100 inches; Model L (40 h. p.) 110 inches. Practically noiseless; comfortable and easy-riding as a Pullman coach.

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The action of the Sy-Clo is twofold. Besides the copious flush of water, there is an irresistible syphonic action, which like a powerful pump, literally pulls the contents through the outlet channel, cleansing, scouring, polishing as it goes, leaving the INSIDE of the pipe as clean and smooth as a china bowl. And this is a truism because the Sy-Clo is solidly constructed of china—pure white china—without joint or break or rough place inside or out to furnish lodgment for dirt or disease germs.

Examine your closet; if it is made of enameled iron or has just an ordinary flush, discard it at the first opportunity for a Sy-Clo. Your doctor pays the bill. If you are building a house or buying one, insist on Sy-Clo Closets with the trade mark name burned in the china. The fact that

Sy-CLO

TRADE MARK

Closets cost but little more than other closets—that, with ordinary care, they will last as long as the house in which they are installed, leaves no further excuse for sewer sickness. Ask the plumber.



SY-CLO Closet cut in half showing the interior construction

Note the deep water seal, making the escape of gas impossible

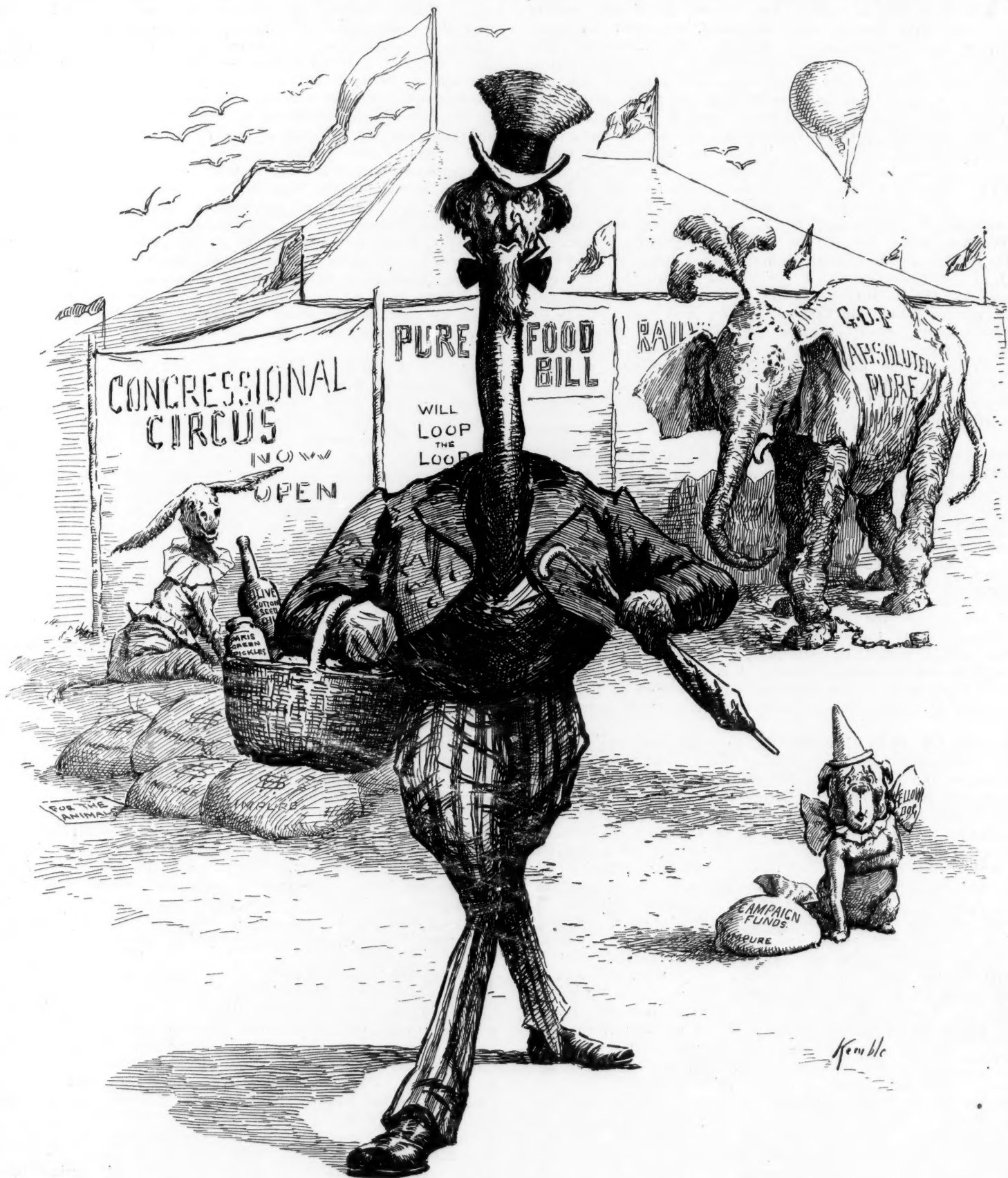
A book on "Household Health" mailed free if you send the name of your plumber.

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Collier's

THE NATIONAL WEEKLY



AS TO THE PURE FOOD BILL

UNCLE SAM OSTRICH: "JUST AS I AM GETTING IN SHAPE TO DIGEST THESE IMPURE FOODS THE CIRCUS FOLKS WANT TO CHANGE MY DIET"

DRAWN BY E. W. KEMBLE



A HIGHER MORAL LAW is invoked by "Judge" HAMILTON for the insurance companies, but in this he has no monopoly and claims none. He thinks everything that is big is right. But, as not all of our readers may have paused upon his views, we recall his exact words, as an important part of history: "The insurance world to-day is the greatest financial proposition in the United States, and, as great affairs always do, it commands a higher law. In defending its rights and its property you can not stop to kick every cur that comes along and barks; and if you could sweep them out in other, perhaps mysterious, but honest ways, you are defending and asserting the higher law, which great enterprises have a right to command." There are many BEING IT articles we wish for COLLIER'S, with no hope of being able to procure. An article by N. W. ALDRICH on the essence of Democracy; by T. C. PLATT on why express charges are never included in bills for regulating rates; by H. H. ROGERS on the intimate character of THOMAS W. LAWSON; by J. L. BRISTOW or E. F. WARE on social pleasures and reform; by H. O. HAVEMEYER on how to treat the Filipinos; by Secretary ALGER on Colonel MANN; and many others of like authenticity, would decorate our pages could they be secured. "Judge" HAMILTON is an authority second to none on what constitutes the higher law. Will he contribute, with examples from experience, an article on just how much money a corporation needs in order to be among the morally immune? How large must the "proposition" be?

HOW THE ELECTION about to be held in Chicago will be affected by the Supreme Court decision on the traction franchises, it would be rash to guess, since not the general principle of municipal ownership is to be passed upon, but only the special question of how far to leave everything to the Council and the Mayor. The ultimate problem of securing municipal control of street transportation is rendered much easier and more promising by the decision cutting down the traction companies' rights to their lowest terms, and the people have responded heartily to this new enunciation of the doctrine that grants against the public interest should always be interpreted to include as little as the language can be made to mean. A court which acts strongly on such a principle of law obviously deserves none of the shallow charges of plutocratic sympathy sometimes made against it.

THE BAR OF PUBLIC OPINION, so called, has small terror for the patent medicine frauds. They control largely its mouthpieces, the newspapers. No such restrictions, fortunately, trammel the bar of justice. Before that bar, as represented by the Court of Common Pleas, No. 1, of Allegheny County, Pennsylvania, comes the Dr. Miles Drug Company of Elkhart, Indiana, as plaintiffs in a trade suit, and though the company's complaint is adjudged a sound one, nevertheless, relief is refused them on the ground that their business "is contrary to public policy." The Miles concern is a typical swindle. It purports to cure epilepsy, hysteria, coughs, cramps, delirium tremens, nervous prostration, and cold feet with its "Restorative Nervine"; to treat successfully any and all cardiac troubles with its "Heart Cure," and to exorcise many other ills with a "blood purifier," a "pain pill," and a "nerve and liver pill." It also advertises a Bureau of Free Medical Advice. These claims Justice MACFARLANE considers in an opinion which illuminates the whole field of nostrum quackery. After JUDGMENT ON NOSTRUMS pointing out that one of the Miles products is advertised as a cure for certain private diseases, contrary to the law of the State, he says: "It is our opinion that the public health requires protection against these preparations [secret proprietary medicines] and that the vender of remedies of unknown ingredients advertised and sold as remedies for disease should not be aided by courts of equity. If he sees fit to keep them a 'trade secret' and to persuade the public to 'dose' with his mysteries, let him not come into chancery." Concerning certain practises of the Miles firm the Court says: "Its medical experts are attempting to prescribe at long range. The attempt to diagnose cases of heart disease, for example, without a physical examination can not be too severely reprobated. For one sick to diagnose his own case is the

height of folly, yet this plaintiff advises the poor deluded victim to pass upon subjects often baffling the highest medical skill, to settle the nature of the disease, and to then take 'Dr. Miles's Nervine' or 'Heart Cure,' or some other high-sounding preparation of unknown ingredients, recommended in glowing 'testimonials.'" Not very pleasant reading for Duffy's Malt Whiskey, Pierce's Golden Medical Discovery, Swamp Root, Orangeine, Peruna, and the rest of the "long-distance diagnosticians." Justice MACFARLANE concludes in these significant words: "The enormous business done by the proprietors of medicines and the serious menace which it is to the health and lives of the public, requires us to scrutinize carefully the ground upon which the plaintiff stands, and as it is shown that it belongs to the reprehensible class, we decline to grant it a decree." Certain of our friendly critics think that we have been too sweeping in our indictments of the Great American Fraud. These we commend to a thoughtful perusal of Judge MACFARLANE'S words. Other critics, not so friendly to us as to the Proprietary Association of America, believe or pretend to believe that we are "in league with the doctors." From such we complacently await the charge that the medical profession has corrupted the Pennsylvania courts.

WHAT WOULD JUSTICE MACFARLANE say of Isham's California Waters of Life? And how would he characterize the New York "Evening Sun," which, in its issue of March 15, prints a half-page advertisement of this amazing swindle? These waters, declares ALFRED H. ISHAM, the proprietor, flow from a mountainside in California, and are the identical rill which, springing from the rock beneath Moses' stroke, have "burst forth again on the other side of the world under a new dispensation." They may be had at a price, "these all-healing waters," and they promise to cure rheumatism in seven days, dyspepsia in four days, cancer in thirty days, diabetes in the same length of time, and falling hair in three days. This sounds like the sheerest quackery. But what follows is tragically suggestive of a deranged mind. ISHAM describes himself struggling in the obsession of having committed the unpardonable sin; of having insulted God, and goes on to detail a dialogue between himself and the Deity, sacrilegious and, to use his own word, "lunatickish." This he follows with a promise to "appear before any body of Men or Women, and within twenty minutes narrate the revelation, ALL HUMANITY can be fed, clothed, without costing any Man a Dollar." THOMAS W. LAWSON of Boston and other poverty-eliminators may now retire. Finally ISHAM offers to sell his Waters of Life at so much a bottle. The local agents are the Charles N. Crittenton Company, which has apparently started a witchcraft department. We fear that the Crittenton firm lacks a sense of humor, or perhaps intelligence. Neither humor nor intelligence is wanting in the "Evening Sun," which exploits this ludicrous and pitiful fraud. To take pay from a self-exposed mental incompetent for helping him to swindle its own readers by a tragic pretense of curing incurable diseases, is a depth to which intelligent newspapers, we sincerely believe, will one day find it impossible to descend.

DOING HIS DUTY, on the whole, intelligently and well, has been Secretary TAFT'S occupation since he left the bench for public life, and his present reward is not encouraging. His popularity with the people, and possibly with the Administration, is less than it was when he returned from his governorship and went into the Cabinet. What has passed between him and his superior is not yet known. His right and bold stand in Ohio politics has put the politicians of his State against him. His defeat by the Sugar and Tobacco Trusts on a measure of pure morality has hurt his standing, although the justice and clear-sightedness of his arguments ought to be remembered to his credit and against those who won in the Senate lobby. If Mr. TAFT was overbearing in the WALLACE matter, it was mainly irascibility and lack of tact, not to be too seriously weighed against him. On the Canal, perhaps, the people expected a miracle or two. Mr. TAFT seems to be reprieved until October, and it is our hope that public opinion will in the meantime show its appreciation of the able and honest record that he has made.

A FAULT IN JOURNALISM

TAFT'S REPRIEVE



TO JUSTICE DEUEL, by request of a subscriber, we indicate a passage in a play. It is rather cynical and rather cruel, but we must remember that the old king was in something of a mess when his opinion was propounded. Some THE BENCH of it is not fit for printing in this rather prudish publication, but the presentable portions will suffice to make the point. It may be found in the Sixth Scene of the Fourth Act of "King Lear":

Lear—What, art mad? A man may see how this world goes with no eyes. Look with thine ears: see how yond justice rails upon yond simple thief. Hark, in thine ear: change places; and, handy-dandy, which is the justice, which is the thief? Thou hast seen a farmer's dog bark at a beggar?

Gloucester—Ay, sir.

Lear—And the creature run * * * ? There thou mightst behold the great image of authority.

We have softened it a bit with asterisks, even the part we print, wishing to avoid the harsher words, but wherever the bench fails to keep its members keyed up to the best standards that poor human beings can reach, there will be most abundant pretext for such feelings as surged in SHAKESPEARE'S king.

THERE ARE TWO MOODS IN FIGHTING. Careless of their dress, as a rule, the ancient Spartans made one exception. There was one occasion on which they were accustomed to comb their long hair, decorate it with flowers, and array themselves in scarlet waistcoats. This was when they were on the eve of a battle in which the chance of death was exceptionally great. XERXES learned before Thermopylae that the little band of Spartans who waited in the pass for his vast host were busy putting their locks into neat and festive and solemn order.

MODERN SPARTANS

The Japanese take similar sartorial precautions when the outlook is deadly just ahead, and from religious ideas much the same. But this is not the only respect in which they obviously resemble the sternest of the Greeks. Spartan simplicity is theirs also in diet, in absence of luxury, in idea of country, and it is this mode of living in peace that has been the foundation of their success in war. Is it too much to expect that we may borrow a little of what is best from these modern Spartans? General NOGI apologized for the cost at which he took Port Arthur and the imperfection of his own work at Mukden. Our Chief Executive rejoices loudly, like chanicleer, when we are able to kill a few savages armed with spears.

THIS MORO QUESTION is not an easy one, to be decided with any flippant axioms or easy moral proverb. General Wood and the President, in the two or three weeks since the episode, have been freely defended and attacked, and from a purely military point of view the bulk of comment has leaned toward justification. Civilization marches around the earth, slaughtering savages by methods necessarily affected by the methods which those untrained gentlemen themselves employ.

KILLING SAVAGES

It was so when we were reducing the redskin population, as it has been when Great Britain has continued the circuit of the globe. "Civilized war" is seldom most conspicuous when one side has not yet enjoyed the delights of being civilized. We have no ground for deciding anything against the military procedure of our soldiers in this scrimmage. We may object, however, to gloating over a needed butchery instead of treating it quietly and with modesty becoming the occasion. We are swindling the Filipinos every day, ruining their chances to make an honest living, starving them to fatten sugar and tobacco trusts, and when we kill a few it is no cause for callow boasting.

MISS ANTHONY'S DEATH naturally gives temporary new life to a discussion that has lulled of late, but the revival has a languid and perfunctory tone. So mild is the present interest in this subject that most of the country is hardly aware that women have full suffrage in Colorado, Idaho, Utah, and

WOMEN'S RIGHTS

Wyoming, as well as partial suffrage in other States. They have also full suffrage in parts of Australia and partial suffrage in other countries. The revolutionary party in Russia demanded the same voting rights for women as for men. The reason that the movement is without virulence in America is obvious enough. Our women themselves feel little troubled by artificial fetters. Their statutory freedom

is as great as most of them desire. The most difficult problem they face at present is of an entirely contrary aspect. That problem is, how to keep their share in the race's needed work from being injured by their new individual activities.

"PUBLIC INTELLIGENCE" in America, said Dr. LUDWIG FULDA, famous German poet and dramatist, "is remarkable; public energy is immense. You have merely not awakened to the true importance of a great art—an art which I adore and for which I live. But it will all come in time." Will it? It may, but it has not come in England. Dr. FULDA thought lightly of the explanation that the Comédie Française was established by a king and that the best theatres in Vienna and Germany were founded and are protected by royal favor; but where has the acted drama ever reached its height without some non-commercial backing? FULDA thinks that the low ebb of drama in America is due to our failure to class it among the arts, although it is the most educational of them all. But is that the final difficulty? Does not the difficulty consist in the impossibility of establishing a standard, slowly, patiently, independent of popular approval or support? At least two dozen theatres in the German Empire are endowed by the Emperor. Smaller princes help, and public taxes are used for the drama, as they never could be here, under our present mode of thinking. If it is taken at all, this step upward, it must be by private enterprise; enthusiasm being furnished by a group of men, money by one or more, and a director being discovered who is worthy of the task. In any such undertaking there should be a pension scheme—otherwise to hold successful actors would be impossible.

DRAMA AND DEMOCRACY

LABOR IS THE BEST THING man has, and the worst. Without it life is empty, and by it life is often turned to wretchedness. There is work that we do from impulse, which nearly always gives us happiness, and work we do from necessity, which is wholesome in moderation and killing in excess.

"Who first invented work, and bound the free
And holiday rejoicing spirit down
To the ever-haunting importunity
Of business in the green fields, and the town—
To plough, loom, anvil, spade—and, oh! most sad,
To that dry drudgery at the desk's dead wood?
Who but the Being unblest, alien from good,
Sabbathless Satan!"

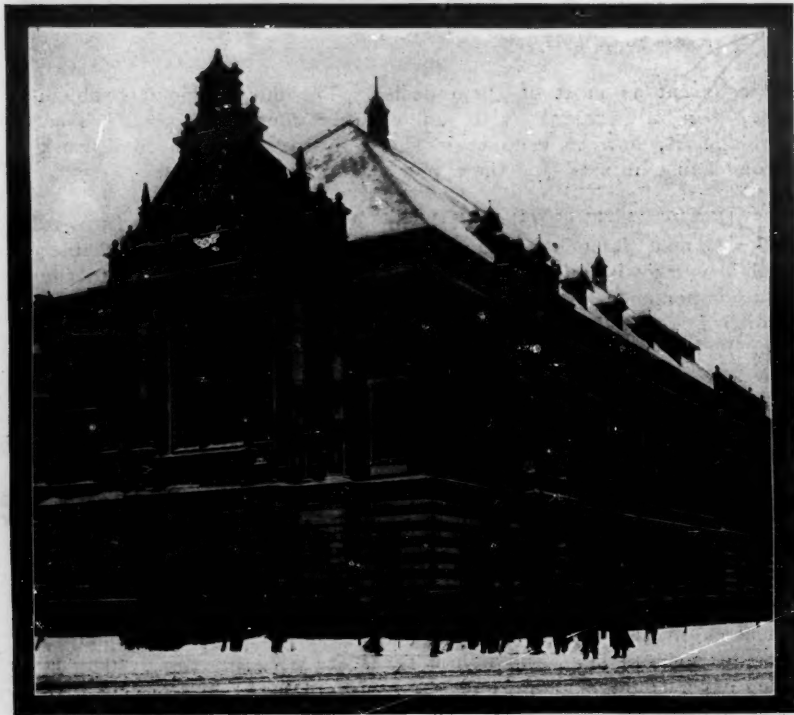
LAMB, being a clerk, thought his drudgery the worst, and he knew nothing of many killing forms of labor that have developed with our industries. The blessings of work will always remain. Nature and necessity have taken care of that. The curses of work we are all fighting to reduce—the too long hours, the unhealthy conditions, the monotony, the degrading uses of children and of women. And in the fight for freedom from the slavish sides of labor, combination has been a power: the unions have done much.

WORK

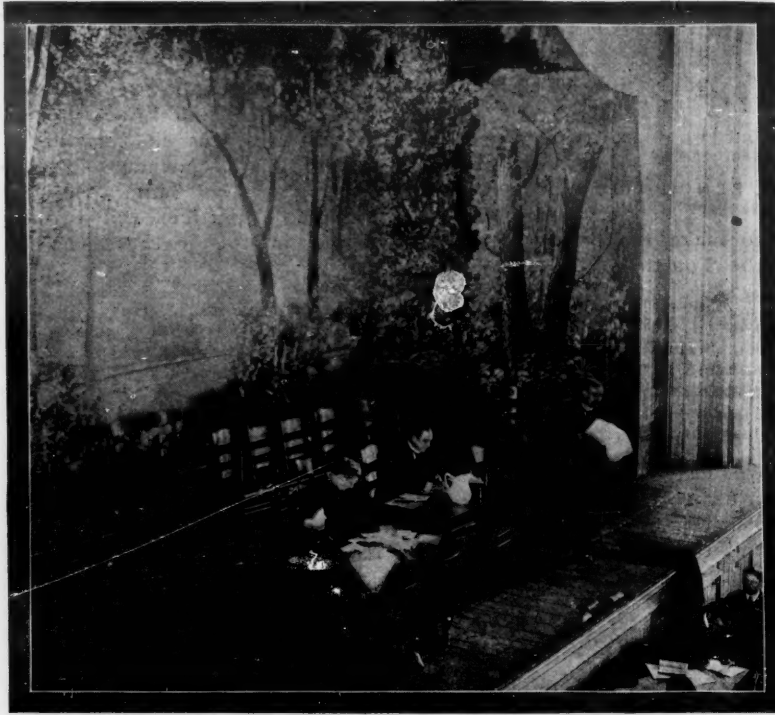
MARK TWAIN IS SUGGESTED as a fit statesman to succeed THOMAS PLATT OF CHAUNCEY DEFEW as Senator from New York. He is making speeches all the time, full of depth and brilliancy, and he has been on earth his threescore years and ten. He is as full of impulse and mental vigor as if years had none but a strengthening influence on human organs, and he is an example on a pedestal of what age should be. He would not go to the Senate, if he could acquire possession of that portentous job, because he spends his mind and body on work which is natural and congenial to him. In keeping young many recipes have been donated to the world—magic fountains or maxims for daily life. Most of the physical rules are ignored by Mr. CLEMENS. He exercises seldom, drinks some, and smokes with little interruption. It is two other requisites that keep him young, the moral and the intellectual. To keep in complete vigor, said some German author, one must exercise, study, and love. MARK TWAIN'S head and heart are what make him younger at seventy than most of us are at half that age. Were we not conventional we should scarcely take his time on earth into consideration. Were we as real as EMERSON we should all say, with him, that "we do not count a man's years, until he has nothing else to count."

BEING ALIVE

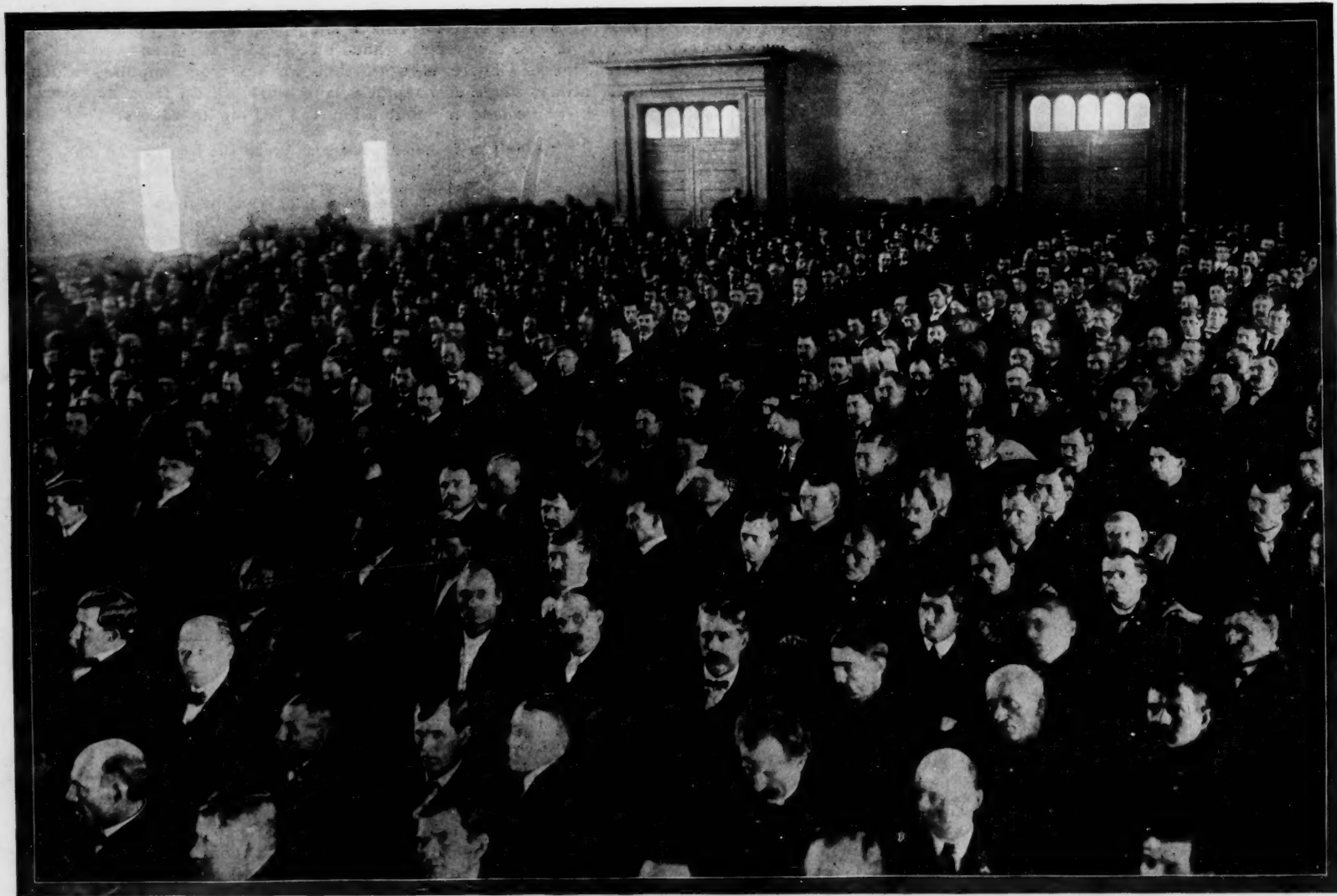
TO AVERT A COAL STRIKE



THE "DEUTSCHES HAUS," WHERE THE CONVENTION MET



CALLING THE ROLL—PRESIDENT MITCHELL PRESIDING

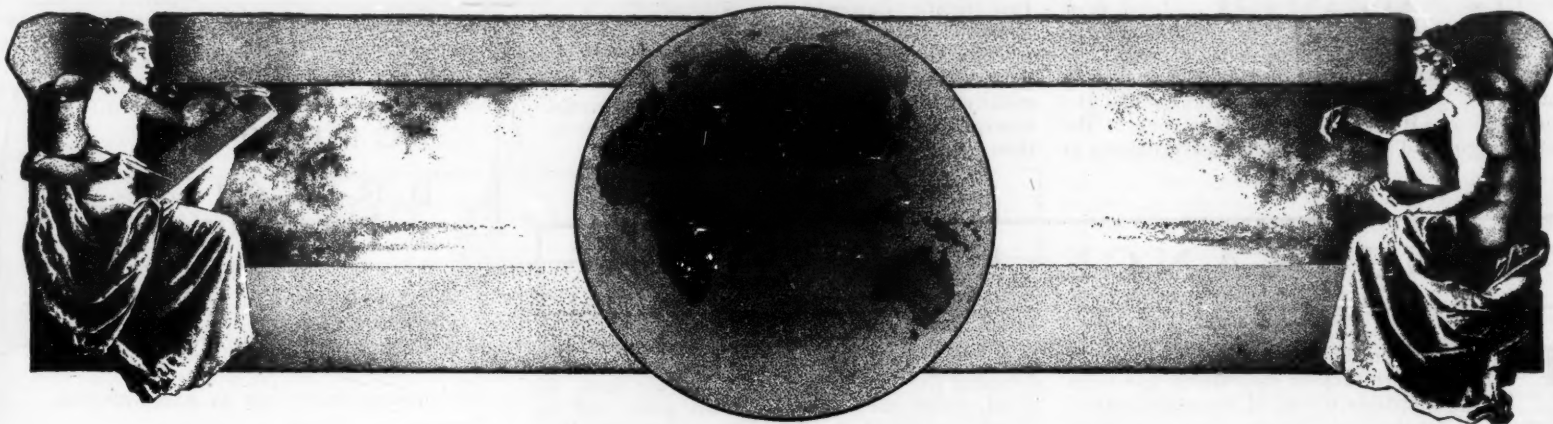


UNITED MINE WORKERS' CONVENTION IN SESSION AT THE GERMAN HOUSE, INDIANAPOLIS, MARCH 15

This meeting was called to try to find a peaceful way out of the deadlock caused by the previous resolution that no district should make an agreement until all were satisfied

PHOTOGRAPHS BY JAMES H. HARE

WHAT THE WORLD IS DOING



EDITED BY SAMUEL E. MOFFETT

THE President has renewed his intervention to avert a coal strike. (Andrew Hamilton has made a sensational attack upon the management of the New York Life. (The discussion aroused by the slaughter of the Moros at Mount Dajo refuses to subside. (Japan has voted to nationalize the remainder of her railway system. (The report of the "Steel Trust" discloses the largest operations ever carried on by any industrial corporation in the world's history. (Earl Grey, the Governor-General of Canada, is in New York, and in connection with his visit it is announced that all the issues in dispute between Canada and the United States have been settled. (The House Naval Committee is laying plans for a battleship of twenty thousand tons, to surpass the British giant *Dreadnought*. (The New Jersey State Senate has killed Senator Colby's resolution for an investigation of the Prudential Insurance Company and its subsidiary corporations. (The new French Ministry on March 14 announced its intention to carry out the Church and State separation law with inflexible firmness, and to follow the policy of the preceding Cabinet in the Moroccan affair. The Chamber approved the

Ministerial statement by a vote of 305 to 197. (The House passed the Consular Reform bill on March 19. (In a head-on collision on the Denver and Rio Grande Railroad at Adobe, Colorado, March 16, twenty-two persons were killed and as many injured. (Judge Alton B. Parker, in a speech at Charlotte, N. C., on March 16, announced that the time had come for the South to take charge of the Democratic Party, nominate a Southern candidate for the Presidency, and frame the party policies. (Lionel Walter Rothschild, M. P., declared in a speech on March 15 that every Russian refugee sent back under the new English Alien law had been shot at the frontier without a trial. The Russian Government denied the charge, but it has been reiterated. (Secretary Bonaparte asserts that the midshipmen at Annapolis have formed a trade union to discourage scholarship, so that dull and lazy cadets will not be outstripped by those who are bright and diligent. (Tammany Hall adopted resolutions on March 19 denouncing Socialism, but hedging on the question of public ownership. Its action was thought to be aimed at Mr. Hearst. (The New York Life has begun a suit for restitution against Andrew Hamilton

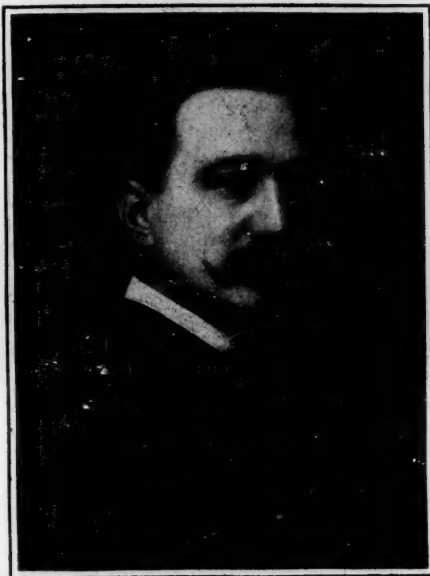
IN TWO CITIES

THE question of public ownership, acute in every civilized country of the world, has reached a peculiarly interesting stage in the first and second city of America, New York and Chicago. In New York the mighty power of Tammany was torn in two last year by the propaganda of William R. Hearst. The organization had then to decide whether to surrender to Hearst and his ideas or fight them. It has made up its mind to fight. At a meeting held on March 19 a platform was adopted denouncing "the socialism which seeks to make government the sole agent of production" as "nothing less than a proposal to reestablish the institutions of tyranny and industrial slavery which perished before the advance of Christian civilization." As one of the advance agents of Christian civilization Tammany insisted that the Democratic Party should always be "vigilant in unmasking" and "inflexible in opposing" "every socialistic proposal — however cunningly disguised under sonorous but misleading phrases."

Nevertheless the Wigwam left a way of retreat. It distinguished between socialism and the operation of public functions, among which it classed "railways, telegraphs, telephones, the supply of gas and electricity, and every enterprise that may use public property or take private property without the consent of the owner." As to such things it believed that the question whether the Government should discharge the function itself or employ a private agency to do it depended solely upon which could render better service.

As far as New York's rapid transit system is concerned, the question of municipal ownership is definitely closed, with the decision in the affirmative. Even the Rapid Transit Commission admits that all the new subways must belong to the city. The only question that remains open is whether the city shall operate them or not. The Elsberg bill, now advancing with favorable prospects in the Legislature, contemplates municipal operation as something more than a possibility.

Meanwhile the Chicago street railroad companies are reeling under the stunning



ANDREW HAMILTON

The returned lobbyist who has terrified the insurance world

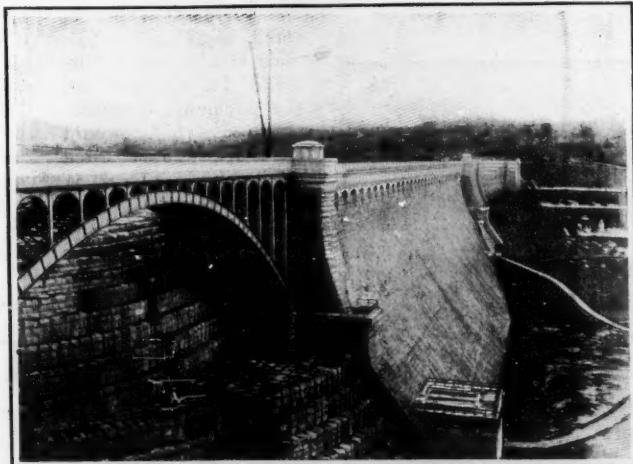
blow of the Supreme Court decision on the Ninety-nine Year Act. As soon as the market realized the true meaning of the decision the stocks of the companies affected broke to such an extent that one of them lost nearly two-thirds of its previous value. That there was anything left at all was due to a hope that the city might be willing to make some sort of arrangement to let the companies continue to occupy the streets on sufferance in the interest of public convenience. The water that Yerkes poured into the stocks is now running out. The tangible property, which is practically all the companies have left, would not pay their bonds, and their stock really represents nothing at all. There is serious talk of their abandoning interest payments, keeping the money for themselves, and allowing their creditors to do the worrying. Foreclosure has no further terrors for them, for there is nothing left to foreclose on.

The publication of the suppressed report of Mr. Dalrymple, the Glasgow traction expert, has elicited a reply from Mayor Dunne. Mr. Dalrymple thought that while municipal ownership worked well in Great Britain it would not work in American cities, especially Chicago, on account of the prevalence of political jobbery. The Mayor replies that Mr. Dalrymple, who was brought over as his personal guest, was invited, "not because he was a student of political science, but because he was a practical manager of a municipal railway plant who could give me advice as to its installation and operation." His "unsolicited advice upon questions of public policy" ranks with "the advice of any gentleman from abroad who spends a few days in America."

PUBLIC OWNERSHIP IN JAPAN

A BILL FOR THE nationalization of railways passed the Japanese House of Representatives on March 16 by a vote of 243 to 109. It is estimated that \$250,000,000 will do the work, and as payment is to be made in bonds instead of in cash no difficulty is expected in financing the enterprise. The visits of Mr. E. H. Harriman and Mr. Jacob H. Schiff to Japan have naturally been connected with this project.

The nationalization of the remainder of the Japanese railways is not a very extensive undertaking in itself. Out of 4,651 miles of road in the empire in 1904 (all narrow-gauge) the Government already



THE GREATEST DAM IN THE WORLD

The \$7,700,000 Cornell Dam, finished March 10, after fourteen years' work, as part of New York's Croton water system. It is larger than the next three dams in the world combined. It is 301 feet high and 216 feet thick at the base

owned 1,500 miles, or nearly one-third. The remaining 3,151 miles belong to forty-seven companies, but there are many single corporations in the United States each of which controls more miles of road than all the Japanese companies and the Government put together—some of them several times as many. But the significance of Japan's action does not depend upon the magnitude of the undertaking. It lies in the fact that one of the most enlightened and business-like governments in

the world, after trying both public and private ownership, has decided that public ownership is better. It is a fact worth noting that in Japan, despite the theory usually advanced by the advocates of private enterprise, the public lines are no less profitable than those run by corporations.

INSURANCE SURPRISES

THE most astonishing thing about the serial story of the insurance disclosures has been its inexhaustible power of sustaining public interest. "Revelations" are usually a nine days' wonder, but here is a procession of them that has been marching past without a pause for over a year, and the alert attention of the spectators has never flagged.

It is the constant succession of unexpected incidents that has kept the general interest keyed up for such an extraordinary length of time. And of all these surprises not one has been more dramatic than the sudden transformation of Andrew Hamilton from a slinking fugitive to an avenging accuser. When Hamilton came back from Europe it was supposed that he had made some arrangement to give information to the authorities, and perhaps to the Fowler Committee of the New York Life, in exchange for immunity for himself. When he went to Albany, wrapping himself in mystery, fears were expressed that he might be working against the insurance reform bills by his old underground methods. But the friends and the enemies of those measures were alike astounded when on March 15 he entered the Assembly Chamber where the Armstrong Committee was giving a hearing on the bills, asked the privilege of the floor, and in an impassioned speech of thirty-five minutes denounced the officers and trustees of the New York Life as "traitors" and "curs," and urged the passage of the bill legislating the board out of office.

Facing the representatives of the company in whose interests he had burrowed under so many State capitols, Hamilton said:

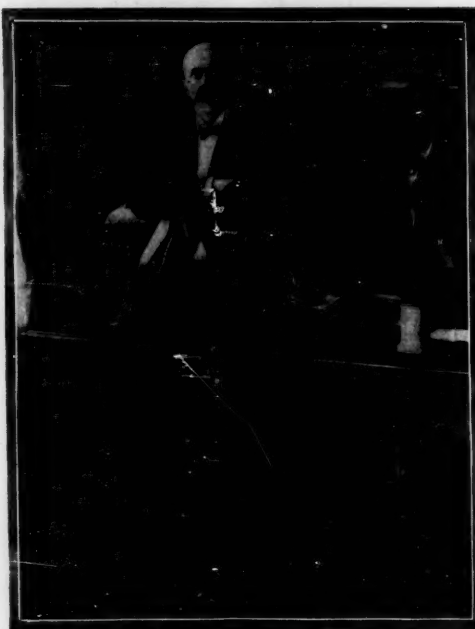
"I look around the circle and I see here members of the board. I see among them men who have sat and listened to the stories of my victories in their behalf and have applauded, and I wonder whether it was like the line in Goldsmith—that it was counterfeited glee, or whether the attitude that they have since taken has been one of counterfeited honesty."

Mr. Hamilton next delivered a savage assault upon "the Pecksniff of three administrations"—immediately identified as Mr. William B. Hornblower. He defended his own methods of accounting, and said that if they were not satisfactory it was the business of the auditing committee of the trustees to insist upon having them made so. "When the first month came," he observed, "and my voucher went in, that was the time to have said to me: 'Sir, you have not submitted the proper voucher.'"

The ex-lobbyist insisted that the trustees had known all about the expenditures for which he had

been condemned, and had approved them. He defended the late John A. McCall, "the dead, the killed, whom they drove into his grave and deserted," and said that he had found McCall "the stingiest man that ever audited an account"—a man that would let no expense bill go through until cause had been shown why it ought to be paid.

Mr. Hamilton laid down the interesting principle that as "the greatest financial proposition in the United States," the insurance business commanded a "higher law," which gave it the right to sweep "curs" out in "perhaps mysterious, but honest, ways," not available to more modest enterprises.



EARL GREY

Governor-General of Canada since 1904; now visiting the United States, and attending the Pilgrims' dinner at New York, March 31

The Hamilton bombshell wrecked all the carefully laid plans of the insurance companies for defeating or modifying the Armstrong reform bills. The accused trustees hurried forward with explanations and excuses. They said that the auditing committee did not attempt to go behind the Controller's reports, that its duties were confined to seeing that the books were properly kept, that all

the payments were entered, and that the balance struck was a true one. To examine all the payments in detail, they asserted, would have required a force of hundreds of expert accountants and clerks. The Hamilton payments were disguised by being charged to legitimate accounts.

Notwithstanding the probability that the Armstrong legislation would make a clean sweep of the present order of things in November, the managers of the New York Life have been using the agents of the company in collecting proxies. Mr. Samuel Untermyer, counsel



A NEW STATE AND AN OLD KINGDOM

Oklahoma, about to become the forty-sixth star in the American constellation, on the same scale with the island of Great Britain

for the International Policy Holders' Committee, notified President Orr on March 17 that he and his associates would be held personally responsible for all the money expended for such purposes.

THE EMPIRE OF STEEL

MOST PEOPLE understand that the United States Steel Corporation is an institution of considerable size, but any who are incredulous on that subject may have their doubts dispelled by reading the company's annual report, issued on March 16.

The assets of the Steel Corporation are stated at \$1,637,811,257—almost enough to pay the bonded national debt of the United States twice over.

The company's gross earnings for the year were \$585,331,736, which is more than the entire ordinary annual revenue of the United States Government. Its net earnings were \$119,787,658—enough to pay the combined allowances of all the sovereigns of Europe three times over.

The employees of the trust number 180,158—three times the strength of the United States army. These men represent a population, including women and children, of about 800,000. Thus the people directly dependent upon wages paid by the Steel Corporation, not counting those indirectly dependent through the trade of the employees, would make a city larger than any in North America except New York, Chicago, or Philadelphia, and would outnumber the whole population of the States of Montana, Wyoming, Idaho, and Nevada combined. Yet those States have eight United States Senators, while the Steel Corporation has none of its own, although it may have an undivided interest in several.

The Steel Trust's production of iron ore last year amounted to 18,468,556 tons, which is far in excess of the output of any country in the world except the German Empire, and is not far short of Germany's.

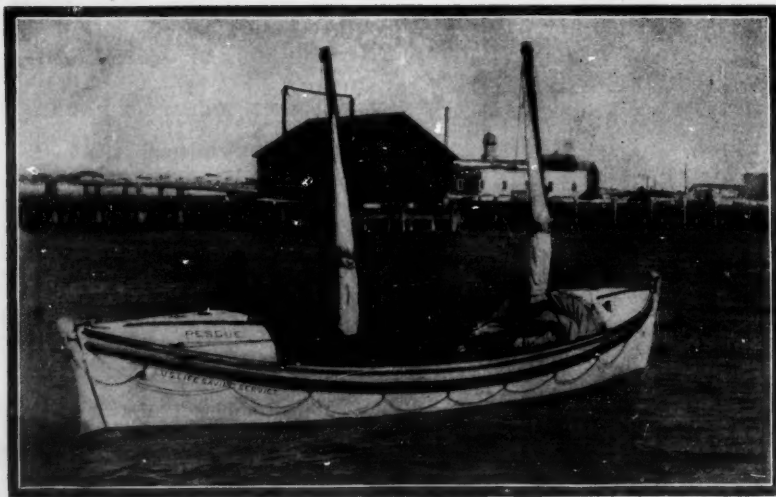
The Steel Corporation produced 10,172,148 tons of iron in 1905, which is more than the total production of Germany in 1904, nearly a fourth more than that of Great Britain, and just about as much as that of all the rest of the world combined.

In steel the Corporation's lead was still greater. It produced 11,995,239 tons of steel billets and 9,226,386 tons of finished steel products. In each case this output was far ahead of that of either Germany or Great Britain and far beyond that of all the other countries of the world put together.

The United States Steel Corporation—a single combination of American capitalists—produces about one-sixth of all the iron ore, one-fifth of all the pig iron, and between a third and a fourth of all the steel turned out in the whole world.

SMOOTHING OUT INTERNATIONAL CREASES

THE PRESENCE of a Governor-General of Canada in the United States is rare enough to be a notable event even when it has no political significance, but the visit of Earl Grey is particularly memorable because it marks the final settlement of all the irritating little disputes that have caused friction between the Republic and the Dominion—the questions of the fisheries, the seals, boundary delimitations, bonding privileges, and the like. It is believed that all differences on such points have now been put finally



THE "RESCUE," FIRST MOTOR LIFE-BOAT IN THE WORLD, AT SANDY HOOK

to rest. Unfortunately the most important question of all, and the one whose settlement would work the greatest advantage to both countries, can not be disposed of by diplomatic negotiations. That, of course, is the question of more liberal trade relations. The Senate stands in the way of any sort of treaty mitigating the present tariff bar-

barities, and the only hope of relief is the election of a new Congress in which the standpatters will hold a more modest place than in the present one. Although Canadian newspapers and public men generally disclaim any desire for reciprocity, it is pretty evident that any steps from Washington toward a liberal policy would be met half way.

THE FIGHT FOR BLUE SKY

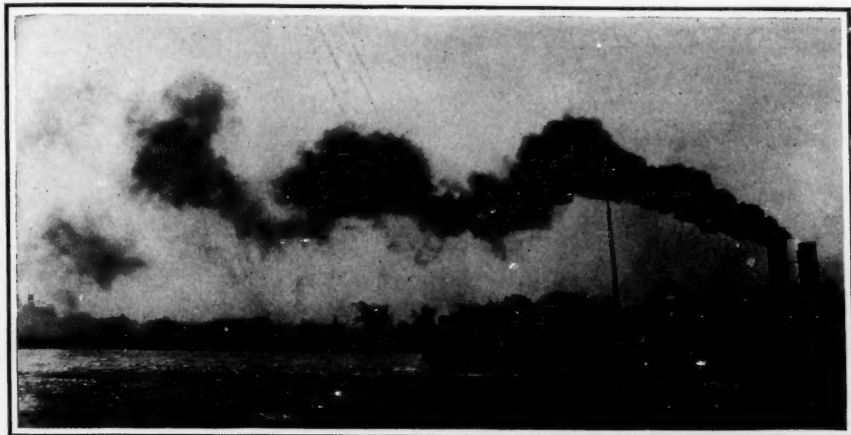
THE awakening sense of beauty that is transforming our cities and our countryside is working in two directions. It strives on one side for positive adornment; on the other, it fights against disfigurement. At this stage the latter

amount of daylight available to Cleveland's population doubled within four years. Yet so far from checking industry, the city doubled the number of its factories in the same four years, and this although every manufacturer there burns soft coal.

Last year seventeen American cities had anti-smoke ordinances. The great trouble in this country, in this as in other matters, has been not lack of law but lack of enforcement. In New York in the last four years 1408 violations have been reported to the authorities and "investigated," and out of all these cases only 178 have been prosecuted and only ten fines im-

posed, aggregating \$390. And even these punishments were all confined to the single year 1903. In 1904 there were only three prosecutions; in 1905 there was only one, and in neither year was there a single conviction. Now there has been a revival of interest. The Academy of Medicine has appointed a committee of physicians to prosecute the crusade; the Health Commissioner has displayed a sudden interest, and a vigorous agitation, directed by Mr. Charles T. Barney, president of the Knickerbocker Trust Company, promises to bring some stubborn offenders to terms.

At the recent London Conference on Smoke Abatement it was shown that throughout the winter six thousand tons of coal were constantly held suspended in the air of London in the form of smoke, and that every heavy fog left a solid deposit of six tons to the square mile. That is the sort of thing that people in such places take into their lungs. The London "Lancet" declared that the injuries inflicted upon health by fog and smoke were "even more important than the associated destruction of property." Yet all this could be avoided at an actual profit, for the installation of effective smoke consumers would bring about, as Sir William Preece told the Smoke Abatement Society, "a very noticeable economy of fuel." Our Eastern cities are favored above all the rest of the world in their opportunity to use anthracite coal, but in Europe some places avoid smoke without that advantage. Berlin, for instance, compels the use of clear-burning briquets.



THE WAR ON THE SMOKE NUISANCE

A scene on the East River, New York, opposite Eighty-fourth Street

work is the more important of the two. With greed working sleeplessly to steal Niagara, blow up the Palisades, cut-down the Big Trees of California, and blotch every perfect bit of landscape and every charming civic vista with advertising signs, the struggle against ugliness is really more urgent than the effort for new beauty.

There is no line of work that promises more useful results than the campaign now in progress throughout the country to stop the pollution of the air by black coal smoke. It involves not only beauty but comfort and health. If New York had to exchange any of its municipal assets with Chicago, Pittsburg, or St. Louis, its clear atmosphere would be almost the last thing it would give up.

The threat of a new anthracite strike makes the matter one of particular timeliness now. Before the last strike there was comparatively little smoke pollution in New York. When hard coal began to disappear from the market the enforcement of the anti-smoke ordinances relaxed, and it has stayed lax ever since. Some great consumers remodeled their furnaces for soft coal and have kept on burning it. The result is that the once crystalline air of the metropolis is befouled in so many places that public-spirited citizens have been driven to form a Pure Air League in its defense. It has been shown that already some delicate lines of manufacture, such as the fabrication of fine silk ribbons, have been driven out of New York, although the atmosphere there would be considered heavenly by residents of cities in the soft-coal belt.

Probably Washington has clearer air than any other large city east of the Missouri River except New York; yet the smoke nuisance in Washington has become a matter of sufficient importance to be considered worth mentioning in the President's message. There, as elsewhere, Government institutions have been among the worst offenders. In Baltimore an Anti-Smoke League was formed on the 6th of last December. Within one month it had sixteen hundred members, and it has since worked very substantial improvements in the state of the air in its neighborhood.

Cleveland is further advanced than any other American city in the work of legal smoke-suppression. It fines both the person in charge of a smoke-emitting furnace and the person in control of the building that contains it. It has a special engineer charged with the duty of enforcing the smoke ordinance, and thanks to his activity the

THE RED CRATER

THE "brilliant feat of arms" in Jolo, which so stirred the President's admiration, has not been universally acclaimed. Objections have been raised to two features of it—the slaughter of women and children, and the total lack of male survivors. Battles, even against savages, in which every man of the defeated force is killed are very rare, and when they occur they always call for explanations. The criticisms on General Wood's feat at Mount Dajo became so insistent that on March 13 Secretary Taft cabled for a full account of the circumstances. General Wood replied:

"Am convinced no man, woman, or child was wantonly killed. A considerable number of women and children were killed in the fight—number unknown—for the reason that they were actually in the works when assaulted, and were unavoidably killed in the fierce hand-to-hand fighting which took place in the narrow, enclosed spaces. Moro women wore trousers and were dressed and armed much like the men, and charged with them. The children were in many cases used by the men as shields while charging troops."

General Wood added that the Moros were fighting "not only as enemies but as religious fanatics, believing Paradise to be their immediate reward if killed in action with Christians," and that they apparently desired that none be saved. He said that he had ordered wounded Moros to be assisted with food, water, and medical attendance, and that some Americans, one of them a hospital steward, were cut up by those they were trying to help. He declared that he did not believe an American soldier wantonly killed a Moro woman or child either in this or in any other fight, and assumed "entire responsibility for action of the troops in every particular." In transmitting this statement to the President, Secretary Taft said that it seemed to show that the loss of life among the Moros was unavoidable. President Roosevelt was not content with any half-way endorsement. He wrote to Mr. Taft that the answer was "of course" "entirely satisfactory," that the victors of Mount Dajo had "performed a most gallant and soldierly feat" in a way that conferred "added credit on the American army," and that they were entitled to "the heartiest admiration and praise" of all those of their fellow citizens who were "glad to see the honor of the flag upheld by the courage of the men wearing the American uniform."

Unfortunately Congress and the country did not see the "of course" quite as clearly as Mr. Roosevelt did. The Senate called on Secretary Taft for all the papers in the case, and the "massacre" was



SMUDGING RIVERSIDE PARK, NEW YORK

Black smoke from the New York Glucose Company's plant, Shady Side, New Jersey, blown across the Hudson

denounced in both houses. A feeling strongly expressed throughout the country was that while the officers and men who actually did the bloody work may not have been to blame, since they may have had no option, the policy that sent them where that sort of work was necessary had a long score added to the debit side of its account. It was recalled that before 1898 the "honor of the flag" never compelled American soldiers to kill women and children in the domains of the Sultan of Sulu

ON THE FACE OF THE WATERS

AN OLD STORY WITH A NEW ENDING

By JENNETTE LEE

ILLUSTRATED BY KARL ANDERSON

SHE had been sitting in the dusk on the veranda, looking into the shadows and thinking that she would go in and read a little before going to bed. The house was very quiet. The children were asleep. Tom was at the club. The whole town was asleep in the moonlight as she looked down the shaded street. Not a soul was in sight. Then she fell to dreaming. The moonlight often made her dream. It was by moonlight that Tom had wooed her. She had been won in the enchanted land. Married life was broad daylight. But sometimes she slipped back to it again—to the land of shadows and beckoning and foliage with the moonlight sifting through. . . . The gate-latch clicked. She peered through the dusk, down the long yard. It was Tom—and some one with him. She watched the two figures, idly, incuriously, as they came up the path. Near the house one of them tossed away the end of a cigar. It fell among the flowers and glowed. They came up the broad steps slowly, a little lazily. It was a warm night, and Tom had grown stout. At the top of the steps he paused, looking back to the yard and pointing to something behind them, explaining it to the figure beside him. Then they turned and crossed the veranda to the little open-air room at the end.

She watched them as they approached, wondering whether she knew the man. . . . No, she had never seen him. . . . He was too distinguished for Burleighville.

"It's Ward Allen," said Tom genially. "Think of my finding him at the club!"

The man bowed over her extended hand with exaggerated courtesy. It made her feel plebeian and commonplace. She was suddenly conscious that her hands were rough from the garden work and her collar crumpled. She withdrew her hand quickly, almost rudely, and motioned to a seat near by.

Tom drew it forward with a quick gesture: "Sit down, Ward. Sit right down. Make yourself at home. It's mighty good to get you here." He seated himself on the railing of the veranda and surveyed his guest with satisfaction. "Just about the last man I expected to see," he said sideways to Mary. His lighted cigar was in his hand and he put it to his lips, heaving a contented whiff. "I'd been talking to Burleigh, and I turned around, and there he was." He smiled toward his guest, with a slow, broad smile that the moonlight broadened and softened.

The man's face returned it parenthetically. He was leaning back in his chair, looking into the shadowy yard:

"You have a beautiful place here." He had turned to Mary.

She lifted her glance indifferently, studying the misty light: "By moonlight—yes."

"At any time," said the man politely. "You have done a great deal to it. I remember the place as a boy. No one would have guessed it would be like this." He was still addressing her. But she made no response.

After a moment's silence she raised her eyes, almost perfunctorily. "Perhaps so," she said.

Tom looked at her, the slow smile on her lips. "She don't enthuse over the place," he said lightly. "The vegetable garden's her pet. Just wait till you see the turnips. Now the main thing I did here"—he waved his cigar comprehensively—"was to clear up the brush a little and close things in. That clump of cedars over there—one of the nicest things we've got. You ought to have seen it, all choked in and tangled up

with grape-vines and bittersweet. It took a man two weeks to get it cut away and trimmed up. But there it is!" He surveyed it fondly.

"Very fine," said the man, "especially from this point."

"That's it. You see it, don't you? Same old block!" He looked at his guest affectionately. "We always did agree from the word 'go.'" He turned to his wife: "If you'd seen the way we tagged each other round, you'd 'a' thought we had one idea between us."

"Damon and Pythias?" she said. She was wondering whether she might slip away into the house and read her book, after all. She was *de trop* in this reunion. The man's refined air annoyed her, and his deliberate, well-bred interest. No one would have guessed that Burleighville could have done a man like that.

Tom extended his cigar-case. "Take one," he said, "Mary don't mind."

The man refused with a gesture.

Tom bit off the end and searched for a match: "Damon and Pythias is the poetry of it. But I guess Siamese Twins is nearer the truth. We didn't sigh for each other soulfully, but we stuck like burs."

The man from the city smiled a little. He had risen to his feet, putting aside his host's protest: "Not tonight, I mustn't stay. Aunt Esther will be sitting up for me. I mustn't spoil her beauty sleep."

He turned to the woman sitting in the low chair beside him. "Don't rise, Mrs. Searle," he protested as she stood up.

"I am going in," she said brusquely. She felt helplessly rude. The man drove her to it—with his urbanity. With sudden contrition she held out her hand: "Good-night, Mr. Allen. Your coming back will mean a great deal to Tom. He has often spoken of you."

He bowed low over the hand. "I count it a great privilege to know his wife," he responded.

She withdrew her hand quickly. "Good-night," she said.

II

THE sweet-peas hid him from sight till he was close upon her. She rose from her knees by the onion bed, looking to either side for flight. Then she advanced to meet him.

He wore a white linen suit with a straw hat and boutonniere, and he carried a light walking-stick. He was the correct gentleman. Yet he looked, somehow, oddly at home in the garden.

Mary took in the immaculate freshness, the crisp, shining hair and low-cut shoes, as she crossed the few feet of turf between them.

He lifted the straw hat, greeting her with a frank smile. "I came to see the garden," he said.

She looked at him, a little puzzled, a little vexed: "Do you care to see it?"

"I came on purpose."

"Very well." She turned and led the way down the paths, pointing out the different beds with elaborate care and relating the history of each with a kind of dry precision.

The man beside her lent himself to her mood. His questions were curt and to the point, but full of interest. Gradually she thawed to them. The man seemed to know the difference between a cabbage and a cucumber. She showed him a new variety of endive that she was cherishing in a remote corner. "I'm



"I am saving it for Tom"

afraid the cook will find it," she explained. "I am saving it for Tom—for his birthday."

"Just for Tom?"

"Just for Tom," she said, smiling a little. "The rest of us may get a taste, but it is his treat. The whole garden is really for him," she added with a touch of abandon.

The man laughed happily: "I thought he despised it."

"He does—in theory. In practise he is very fond of it." The tone held no cynicism, only frank amusement and affection.

The man looked at her. She wore no hat, and her hair was loosened by the wind and tumbled. A streak of brown earth lay across one cheek. She was not conscious of her looks, or of him. The contentment of the garden had come back to her. She was looking across it with shining eyes. "Shall we go back?" she said.

He glanced at a seat under the elm, near by, at the foot of the garden. "I could rest a little," he said.

She smiled and led the way to the seat: "Tom always wants to stop here."

"He shows good sense," said the man. "He always had good sense."

"Always," she responded.

For a few minutes they sat without speaking. She was conscious that the silence made no demands. The man's super-refinement had vanished. She thought of it vaguely as a kind of romantic garment, appropriate for a moonlight stroll, but out of place in the sunshine. It seemed to have slipped from him. He was like the garden now, clear and clean-cut, with a hint of something tonic beneath. She smiled a little at the fancy. She was glad that she disliked him less. It would be pleasanter for Tom.

"My Aunt Esther is the most beautiful woman I know," he said quietly; "beautiful in her way."

She started and looked at him. Then her face broke into a smile. "Isn't she?" she said quickly. "I didn't suppose anybody else would see it. Tom calls her homely." She laughed.

He smiled back: "I was thinking how she looked this morning in her flower garden, like a piece of porcelain—"

"Porcelain—?" Her voice lingered on the question.

"No—not quite—not porcelain, is it? I hadn't thought of that. It is more like—" He leaned back with closed eyes, his face intent. . . . "It's more like fine pottery," he said at last, "like faience—the kind Palissy used to make—"

She leaned forward: "With blue in it?"

He opened his eyes: "Blue and green, with a touch of pink on enamel—cream-white."

"I know," she spoke quickly. "And not too fine."

"Not too fine—but very clear—and beautiful in its roughness." He turned to her. "You never saw a piece?"

"No. But I know how it looks. I have seen her." He assented quietly: "Yes, you have seen her. She is perfect. I am glad you see it."

"I have always seen it," she said a little jealously, "only I didn't know the name."

He nodded: "And I never saw it till yesterday."

"She has always been like that."

"A boy of fourteen doesn't have much use for Palissy plates," he replied carelessly. "He cares more for what's on 'em—spiced cookies and succulent pies."

She smiled a little: "Tom is always quoting them to me."

He nodded: "Absolutely perfect. I never tasted



Mary . . . gathered her up, lifting her from the bed

anything like 'em. But she, herself—you ought to have seen her this morning—among those nice plump flowers, you know?"

"She has them all—money-flower, phlox, sweet williams, and hollyhocks, pinks and love-lies-bleeding, mullein-pinks, dahlias, bachelor's buttons, and rue." She ran over the list, checking them off on her fingers and lingering a little over the quaint names.

He nodded. "Aren't they just right?" he exclaimed. "She was out there, working away on them, with her skirts pinned up, all clean and shining, and some little mucker—about so high—had wandered in the gate. She was talking to him and giving him flowers and kind of loving him, shy and stiff. . . . It took Palissy all his life to find out how to make those plates," he said suddenly. "He ruined his life for it. Burned his furniture in the kiln to fire them."

She looked at him quietly; then past him, down the long rows of vegetable beds. She had a quick sense of sunshine and gladness. No one in Burleighville had seen Miss Esther Farquhar like this. No one would have cared to say it that way. . . . She had come out to the garden for vegetables, and she found—had found—sunshine with warmth in it.

They sat a moment longer in silence. Then they moved back, down the paths of the vegetable beds, to the house. At the side door she paused.

"Will you go around and wait for Tom? I must make myself presentable." She held up her stained fingers.

He looked at them and at her loosened hair and at the earthmark on her cheek. "You are not Palissy ware," he said smiling; "you are a garden piece. I must find a name for it."

She shook her head. "Naming is just a mania," she said; "seeing is better."

"I like to do both," he replied contentedly. "No, I mustn't stop this morning. Tell Tom I'll see him to-night."

He lifted his hat and passed down the walk to the gate, immaculate and white, swinging the little cane lightly as he walked.

In her room she dashed the water over her face and throat, removing the mark from her cheek and bringing little tendrils of hair curling about her forehead. She buried her face in the towel and lifted it, radiant. In the cool dusk of the room, after the light outside, she could hardly distinguish the familiar objects. She moved in a new world. . . . There were men and women like that everywhere.

Men who saw things and cared about them. And they looked like this man—conventional, uninteresting, prosaic. . . . And one might meet them any day, just as she had met him this morning in the garden, without expecting it.

She woke before the birds with something singing itself through the darkness—"Ward Allen, Ward Allen," it rang—like little bells in the dark—"Ward Allen—Ward Allen." She smiled to herself with quick joy and turned again and slept. When she awakened again the birds had taken up the sound. Tom, in the bathroom beyond, whistled it merrily. The children laughed it outside the door. It was a name of joy—a new friend. She had never had a friend—except Tom and the children. She threw open the blind and let in the light.

III

THE feet of the summer were winged. They brought swift messages. As the days flitted by, she had glimpses of a world of men and women and life—a world of insights, things unspoken, tranquil dreams and passion. She caught her breath sometimes. . . . The newness of it hurt her, and the sense that she had missed it always—without knowing. Then she grew wonted to it, accustomed to wake to a full day and to sleep between life and life. In and out of it, Ward Allen moved in careless, friendly ease. There was no question of him. He made no demands on her or on Tom. He was part of the swift new summer.

Then, one night, the moment came. She had been pacing the veranda, a smile of happy thought on her lips. Suddenly she paused. All about her, from side to side, stretched a glow, rose-red and still. She gazed into it with startled eyes. In the midst lay something uncovered, mysterious. . . . She peered forward and faced a naked soul. She shrank back with a cry, back—back to the side of the house, covering her eyes.

When she came to herself the darkness lay about her, warm and breathing. With a sure instinct she turned to the open door and went swiftly up the stairs. At the door of the children's room she paused. Then she passed in and turned up the gas, softly, shading the light from sleeping cots. They lay tossed about in the warm night with hair moist and faces fresh.

She bent above them, smoothing the crumpled sheet and drawing pillows straight. A murmured, drowsy, response came to her—half words, out of dreamland, protest and the quiet sigh of relief—long-drawn and passing into sleep. She stood looking at them, looking. . . . So this was what it meant—this was what it had always meant. This was what other women faced—what they put in books. She turned sharply about to the light. Her hands were clasped behind her back and a little line was drawn between her eyes.

She was thinking fast—faster than the summer had flown. . . . She—Mary Earle—she had done this thing! Her gaze was deep on it. Slowly the look softened. It was a sweet, familiar thing. . . . It was not a sin. They could not call it sin! She must think fast. . . . How was it? What had she done? She was walled about by it. Was there no way? Her breath tightened. A sound from the bed caught her ear and she turned about.

Little Mary was sitting up, holding out fretful hands.

"I'm firsty," she said sleepily.

Mary brought the water and stood over her, smoothing the hot head on the pillow. The child opened her

held the thought of Tom firmly before her. Dear, blundering Tom! She was not false to him. Was a woman's heart so small a thing? She patted the head lying against her shoulder softly. Her heart had gone out to each new child with abounding love—but different for each. If she had not known him—Ward—Ward Allen—she would have missed a part of life—of loving.

She raised her eyes.

He was standing there, across the room, looking at her.

He came forward quickly: "Don't get up."

He drew forward a chair: "I did not see you. I came in to wait for Tom."

"He has not come." Her eyes met his bravely.

"No. I will wait. Is she ill?" He motioned to the sleeping child.

"Only restless. She wanted to rockaby. I was going to take her upstairs."

She did not stir, and they sat in silence. It was the familiar silence into which they often fell. Out of its mazes Mary tried to picture herself as the world would see her—if it knew. A guilty thing! She smiled a little in the dimness.

He looked at her: "What is it?"

Her answer may have halted a minute, but it came winged: "I was thinking how much I love you and how wicked the world would think I am."

He leaned back motionless. After a long moment he spoke: "You will not be sorry."

"No! I am glad every day—glad! I shall always be glad!" The words broke forth. They almost sang to him.

He rose slowly. "Yes, you will be glad—" He held out his hand. "Good-night, dear—good-by."

Her hands were busy with the child, gathering it up. She did not look at him.

The child opened sleepy eyes. "Night, Uncle Ward," she said dreamily.

"Good-night, little girl." He bent above her for a minute. Then he straightened himself. "You won't let it sadden you."

She shook her head: "I am afraid I can't." A smile held her lips. "I can't even feel guilty. I know I ought to—"

They turned. Tom's step was in the hall. He came in, holding out both hands: "Hullo, Ward. Just in time. Is she sick?" He turned to the child.

"She wanted her mother." Mary's hand was on the tumbled head. Her eyes looked at the two men over it. "Ward's going away, Tom," she said slowly. "He's going because I love him. I've just told him so. We want you to know it."

The man looked from one to the other with hesitating perception. His slow bulk lifted itself. He loomed large beside them. "Don't joke, Mary," he said. He had taken her hand protectingly.

"I'm not joking, Tom." Her fingers closed about the big ones. "You've always loved him, you know." She looked at him wistfully. If he failed them—

He nodded: "Yes, I've always loved Ward." His eyes sought the other man's. "I've always loved him," he repeated thoughtfully.

"And I've just begun to love him," said Mary. "That's all."

They moved apart by common consent. The balance of the moment hung poised.

The child lifted sleepy hands. "Muvver," she breathed, and fell asleep again.

Above the child's head her eyes sought the two men. A sombre humor held their depths. "I am telling you the truth," she said simply. "I know I ought not to say it. I ought to cling to Tom loyally, and eat out my heart in secret for Ward. But I don't feel that way. I love you both, and"—her voice grew deeply tender—"I love little Mary. And, please God"—the words broke with a little laugh—"I shall love a good many others before I die."

The two men smiled—Ward subtly, Tom with a slow light in the eyes that watched her. "It's all right, Mary," he said assuringly. "What you say goes."

"It goes," said the other in a deeper tone.

She lifted the child on her arm and held out a hand to him, swiftly:

"Good-night, Ward, and good-by. Some day you will come back."

He moved away in the shadows. Only his voice came to them from the darkness. . . . "Good-by. Yes—I shall come." His footsteps retreated faintly, dying away on the gravel walk outside.

She laid the child in his arms. "Carry her for me, Tom," she said; "I am tired."

He bent and kissed her. He kissed the child. "I feel as if something black had gone by us," he said, thrusting his hand toward the darkness.

She took it in her own, drawing it about her close. "It has made a poet of you, Tom." She laughed softly and moved toward the door. "Come away," she said. "Come. We will keep it in the light."



"She was . . . giving him flowers and kind of loving him, shy and stiff"

eyes and looked up—out of unfathomable dreams—at her mother. "Rockaby," she said, holding up her arms.

Mary gathered the groping hands in her own, patting them gently. "Not to-night," she said.

"Rockaby!" said the child imperiously.

Mary bent to her and gathered her up, lifting her from the bed. She threw a light shawl over the little figure and bore it down the stairs. . . . This is what she had come for. She could think now. Her arms did not reach out to blankness. They held the child close.

She carried it to the library. It was cooler there. She drew forward the big chair by the table and sat down. The light from the hall came in faintly. It fell on her and on the table covered with books—his books and hers and Tom's. Her eye traced them idly as she rocked. That was the new book on architecture that Tom brought home last night. He was going to enlarge the wing. Where would she be when it was done?

She shivered a little and drew the child's shawl closer. Her eyes probed the books. . . . It ought not to come to one like this—without warning. . . . It suffocated her. She could not turn. Subtle coils tightened about her—one more turn and she would be fast. She stayed her breath, steadying herself against it. Slowly her heart settled to silence. The child's head rested lightly on it. The rockers had ceased to move. The big room loomed about her, shadowy. . . . It was not wrong—this thing in her heart, beneath the child. It was wonderful, mysterious, far-reaching—but not wrong. . . . She had never given it to Tom. It would never be his. But it was not wrong. Her heart rose and sang. . . . The books did not know. They were false. She was not a guilty creature—lost to her children and her husband. She

POLITICS *and* LITTLE PIGTAILS

By VIOLA ROSEBORO

ILLUSTRATED BY SARAH S. STILWELL



MISS SILVERTON of West Ninety-fourth Street was on her way to Mrs. Lawton's, and as Mrs. Lawton lived on Fifty-ninth Street, Miss Silvertown elected to walk down in the faint autumnal sunshine through the park. Mrs. Lawton was an enthusiastic member of the Woman's Branch of the Municipal League, and Miss Silvertown, who was a conscientious member of the same organization, was now on her way to answer a telegraphic summons in the interests of reform. Some one wanted to do something—it was League business—that was about all Miss Silvertown had gathered. An election was coming on and government by the people was appearing a more and more complicated, not to say bewildering, thing to Miss Silvertown every day. She could not feel that she was a very effective force for reform, and yet when she had heard Jacob Riis lecture and first awakened to her civic duties it had seemed even she might count for something; she cared so very much that the tenement babies should have good milk. But now she had been made rather miserable by the stories, definite little human stories, about the small grocers who were all but ruined in this milk crusade—"little bits of grocers." Miss Silvertown compunctiously called them to herself—and they had talked a great deal about heelers, the enemy's heelers, at the last League meeting, and she felt humiliated at her unconfessed ignorance as to what a heeler was: why, she didn't even know if he filled an elective or an appointive office! And then her mother had sailed for Europe the day before and left her alone in the house but for the servants—that was another somewhat depressing circumstance. Altogether Miss Silvertown was low in her mind, and not very fit for shouldering into the fight against the Tiger. She was more in the mood, in fact, for sitting down on a bench and making melancholy verses about autumn; even in her own mind Miss Silvertown always hesitated to crown any dear child of her brain with the sacred name of Poem. If you've ever associated with verse-makers, that will blazon forth for you beyond belief the fact that Miss Silvertown was a rare and modest nature. She entered the park at Ninetieth Street and started to walk around the uppermost reservoir. From its south side she stopped to gaze north across the water, through the October haze, at the mysterious little gray stone house crouching heavily at the opposite edge of the basin. She knew it had something to do with the water-works, but it looked, thank God, like a place where something dark and strange had happened long ago, and as if it had sat there secret and silent ever since. Certainly Miss Silvertown herself looked more fitted to commemorate this fancy in graceful rhyme than to cope with ward heelers. She was a long-limbed, slim young lady, and in her light gray gown of Parisian simplicity, and with her light gray eyes, so childlike and wide apart, and with such other gracious charms as combined to make her the most harmonious of human beings, she assuredly appeared as one set apart from common things.

There was a rattling, pounding jam of vehicles, horses, and people on the drive. She could hear them, but they did not disturb the solitude and quiet around her; so naturally she started when her reverie was

broken by human speech from right under her elbow. A bird-sweet eager voice questioned: "Is there a boat? Do you see a man in a boat?" You'd have thought from the tone that the questioner had treasure at stake on the discovery of that rare phenomenon, a manned boat on the waters of the reservoir. But no, the girl-child who lifted soft black eyes to Miss Silvertown, in the very intentness of her gaze showed herself ready to dismiss her quest for any other pleasant experience Fate might offer. In an instant she smiled upon the lady, scarlet lips parting over little white teeth, with a smile that said: "How nice that we are friends." She had the true spirit of adventure, it appeared, and found all fish that came to her net.

Her gipsy face was not to say dirty, certainly not, but if you are a very picknickety person you might have claimed you had seen faces cleaner, but never—well, surely you never saw one that Miss Silvertown would have thought more exquisite. She was a sort of generally dove-tinted blonde herself and she adored dark beauty. The little thing was six or seven years old; a delightful age that, so wise and so innocent; and to crown her charms her frock was such a stroke of genius as beauty is always entitled to and does not always get. It was of solid Turkey-red cotton, not so new, not so well, not so fresh as it once had been, but Miss Silvertown's own perfect costume was less felicitous. Neither, by the way, did Miss Silvertown's do so much for the park's decoration; you could have seen that Turkey-red glowing through the haze like a bunch of salvia, half a mile away. The accompanying straw hat—well, it left something to be desired, but as this daughter of Eve carried it in her hand, mostly by one faded streamer, it detracted from the *tout ensemble* as little as possible.

What weary slow things are words! In the time it has taken to tell half what the glad eye saw in a glance Miss Silvertown had shown herself worthy of the smile bestowed on her, and with that blithe responsiveness of hers, she then and there, of all things, turned a corner, the big corner of her political career. Little did she wot of that then, however.

To the passionate question about the boat she responded with tender courtesy: "I haven't seen any one out there. I was just looking at the water and the house up yonder."

Miss Silvertown met pretty much all human communication like that, as if her sincerest response was its due; and children, who have to put up with so much banal countering, of all people appreciated the compliment most. The bare dark head was again pressed close against the iron railing; its two finger-long braids seemed to stand out and curl up with the intensity of their owner's scrutiny.

"Ou—ou—ou," she aspirated hollowly when she turned again. "There's a witch lives all shut up in there!"

"I believed it all the time," breathed the enchanted poet. But any hopes she cherished of further revelations regarding the Mystery of the Stone House went unrealized. Pigtales dismissed the witch as airily as she had thrown over the mythical man in a boat.

"There's trees here has nuts on, nuts like you buy," she whispered, this with just as rich a sense of the incredible as had informed the witch legend.

"And the squirrels eat them," said Miss Silvertown.

"They ain't got any pennies, they can't buy none," reflected Pigtales, evidently trying to attain a judicial fairness as to the squirrels' greed. "I had one penny yesterday. I got a pocket-book"—she began to fish in the folds of her Turkey-red skirt—"but there ain't nothin' in it now. I don't want nothin' in it," this came hurriedly in an anxious spasm of delicacy that was fit to break your heart.

At last by main strength she abstracted a dilapidated leather purse; it was a tight fit in the Turkey-red pocket. Miss Silvertown examined it with proper expressions of appreciation and a soul above microbes.

"I think," said she, "it would be nice to have a few pennies in it; my purse has too many," and she fell to searching the silver bag that hung from her belt.

Pigtales' scruples melted as frost beneath the sun; she stood, lips parted, literally holding her breath. She caught the gray-gloved hand that bestowed wealth upon her and kissed it, kissed it as naturally as might a puppy, albeit more gracefully.

Miss Silvertown looked at her watch; then with tender eyes and half a sigh she said: "Good-by, good-by, little Sweetheart," and with a wave of her hand she turned and hurried eastward in the pursuit of reform. Pig-

tales was deep in the struggle to restore her property to the tight-fit pocket and only gazed at the departing one with wistful wonder. "Can the bonds of friendship be thus rudely severed?" she seemed to say.

The kiss had made Miss Silvertown conscious of something foreign in the child. "Her parents must be Latins or Slavs or something interesting like that," she was saying to herself, when again she heard the bird-sweet voice:

"Don't go thata way," Pigtales pleaded behind her; "I gotta go to Sixty-third Street."

"Sixty-third Street and Eighth Avenue? But, darling, I must go on this way," Miss Silvertown felt a pang at denying such wooings as were in that voice and that face.

"Well, I guess I can go this way, too, with you," and Pigtales danced happily on directly away from the goal she had named. Miss Silvertown's conscience was not elastic, but she took heart of grace from Pigtales' example to defy it. By what right could it hold her responsible for Pigtales' course? She knew she would know nothing of the claims of Sixty-third Street and Eighth Avenue; she would accept the good the gods had sent. By the time they had reached the Mall she was so hopelessly demoralized that she washed her hands of reform and gave herself over to wanton wanderings. Pigtales fervently wished to go see the animals, and to see the animals they went. The visit was a pleasure so passionate that for a time after it was over Pigtales was reduced to a soft silence. When she spoke it was to say, sending out a long breath from a full heart: "I love animals. I mean any animals even, even a hip'potamus." Withal, she was not so carried away but she kept a memory of Sixty-third Street and Eighth Avenue in her shapely little head, and now she was bending her steps, and, of course, too, those of the hypnotized Miss Silvertown, in that direction. This last declaration about the animals, this revelation of a tenderness that, while conscious of his drawbacks, could include a hippopotamus, brought Miss Silvertown's infatuation to its next stage. She and Pigtales had met, loved, and lived as if in the eternity of Paradise where affinity is all-sufficient to its own needs and address books unnecessary; but now, clasping closer the tiny brown hand in hers, she sought mundane information as to where Pigtales came from, what she was doing so far from home, and could she, would she, ever come and see a lady who loved her? Pigtales answered the first questions perfunctorily; they were very uninteresting in a world where squirrels sat up and ate things out of their two wee, wee hands. She lived in Sixty-third Street, and she went to a kindergarten uptown, and her "fader" comed to get her sometimes, and when he didn't she comed home through the park—and didn't the big squirrels take any nuts home to the little baby squirrels like the birds did?" But Miss Silvertown won her attention with the next move. She took a visiting card out of the silver bag and showed Pigtales that the place where she lived was recorded upon it, and be-

sought her to keep it and come to see her next Friday. "Oh, I must go see your mamma and make sure," said Miss Silvertown.

"Got no mamma," said Pigtales abstractedly, for her attention was centred on the pasteboard she was holding gingerly. She looked upon it with gloating eyes as if it were a thing of magic; it is beyond grown-up dulness to fathom childhood's mysterious scale of values.

"We'll put it in your pocket-book," said Miss Silvertown.

Pigtales held it out to her; both her own hands were required to abstract that pocketbook from her person. "Don't get it dirty," she cautioned anxiously, as she strained at her task. "We mustn't get it dirty." Suddenly completing the operation with a jerk, she thrust the recovered treasure into Miss Silvertown's hand. "There's my fader," she cried, and was off down the walk to meet a dark, shabby, thick-set man, a somewhat notable figure, thanks to his union of power and heavy grace, who was unconsciously bearing down upon them. Miss Silvertown saw him for a second before he saw Pigtales, so

she had a chance to witness a transformation scene. Thought is quick, so before the change came she had time to say to herself: "A brigand, a Sicilian brigand." The divination was not wholly humorous; there was something dangerous enough in the gleam of the grim Brigand's restless black eyes—till he saw Pigtales.

Well, there must be beauty unfathomable deep in the Heart of Things when such a commonplace chance discloses something so divine in the likes of the Brigand. He picked her up and held her close, and emotion—tenderness, joy, love, in short—shone and quivered



A delightful age, so wise and so innocent

and radiated in his battered countenance, and wrought through all his rough figure. Pigtales poured out little rapid spurts of some bastard Italian, and the Brigand turned a quick glance, made up of suspicion and deference and a lot of other unnamable things, on the approaching Miss Silverton.

Now Miss Silverton had never been much help to the Municipal League. She was not strong on statistics and reports and measures, but she had superiorities of her own. She could walk through commonplace barriers like an angel, because (like the angel as one imagines) she couldn't remember they were there. A fellow-creature was a fellow-creature to Miss Silverton; Pigtales had captured her heart, and now Pigtales' father had shown feelings befitting his high paternal calling. That he looked like a brigand, and as if business were bad, too, was just so much the more touching.

"I'm afraid I'm to blame if your little girl has stayed out too long, but—but she's so wonderful, such a darling—" Miss Silverton ended lamely, yet eloquently.

At her first shy smile, the Brigand's shapeless soft hat had come off his big tousled head, and he bowed low and held it in both hands. Pigtales put in some more pattering Italian, and slipped her hand again in Miss Silverton's.

"I t'eenka she ba-ad gull," said the ironical Brigand, eyes shining. "I t'ank you, Signora."

If you are fortunate enough to remember how Tomasso Salvini appeared in the last scenes of "La Morte Civile," you may know exactly what the Brigand was like now. There was just the same humble gentleness, and grace in clumsiness and more than human expressiveness; he was as expressive as a dog. He scanned the Signora's face in just two piercing blinks between other and different looks, and the suspicion and enmity that he continued to fire in chance shots upon the passers-by were directed upon her no more. The passers-by did not show the finest manners in the world certainly, but they could not be much blamed for staring at the odd trio strolling on down the walk in animated converse.

The Brigand and Miss Silverton came together as naturally as had Miss Silverton and Pigtales; all three behaved quite as you might imagine would chance acquaintances among the blessed on the streets of the New Jerusalem, and the only one whose good manners were matter for astonishment, as you doubtless perceive, was Miss Silverton. Not that any one who knew her would have wondered; they would have all said in accents varying from tenderness to puzzled scorn, that it "was just like her."

Meanwhile Miss Silverton and the Brigand were, of course, making each other's acquaintance in talk about Pigtales.

"She go school; some day I no can go geta, bringa home. She coma home all r-right, but eva tam she leetle late I t'eenka, no, I neva see bambina no mo'." The Brigand laughed a little shamefaced laugh, and called Pigtales, who was swinging on his hands, "Ba-a-da gull," and added amplifications of this sentiment (presumably) in rattling Italian.

Pigtales darted in front of him and caught Miss Silverton's skirt. "My lady, my lady—she go over to Eas' Side," said Pigtales explanatorily and defensively, ignoring the wanderings that preceded the lady's appearance on the scene.

"You hafa go where lady go, eh?" said the ironical and delighted Brigand.

And then Miss Silverton came out with a shy question which she obviously tried to give an impersonal turn. "Does she often run away like this—liking strangers so much?"

Not for an instant did she deceive the Brigand; eagerly he answered the real question that was in Miss Silverton's heart.

"Nah, nah, she no laka stranger-re, neva laka stranger-re; it ees jusa you, Signora, she don't neva tella me 'bout stranger-re any day. Now she tella me 'bout you all ee time she spik Eetaliano—"

"I know a nice place, a nice place to go, no peoples don't come there at all," Pigtales broke in, her voice hushed with the important mystery of her message. They had come to an unspatched path that turned off toward some brick houses half hidden behind greenery, and Pigtales was seductively leading the way in that direction. The Brigand's hat was in both hands again; Miss Silverton had stopped on the asphalt, and he was ready to gracefully accept the smallest sign of dismissal. But Miss Silverton hesitated only an instant, only long enough to see in his eyes that the Brigand did not desire the parting, to read in her mien that Pigtales, for all past experience, did not dream that now so old a friend could summarily desert her.

Pigtales knew what she knew as to nice places. She led them to a thicket-screened plot, surrounding some park buildings, where no stranger less enterprising than a small boy was likely to penetrate. And there, if you'll believe it, fascinating as something in the Big Bear's house, or the Giant's Castle, was a little bench, a regular park bench, but two feet shorter than the regulation size! Pigtales danced before it, intoxicated with the pride of possession by discovery.

"I come herte lotsa times, and nobody ever sets on it but me," she cried; "and the cop never sees me"—she "chortled in her glee," if any one ever did—her misgiving glee, for she evidently cherished the fond belief that she was breaking an ordinance.

"Do you think it belongs to a little cop?" she questioned as she hospitably pulled Miss Silverton to the seat.

And then Miss Silverton did the hospitable, too, and asked the Brigand to sit down. The two did not talk much at first; for a time they were occupied with Pigtales, and Pigtales was telling about the animals, now in good United States (not much corrupted by tough city dialect) and now in quick staccato Italian. She suddenly broke off to show her father that precious thing, Miss Silverton's visiting card. But drawing it forth she withheld it from his vision for a moment; dumping the pocketbook on Miss Silverton's lap, she stood with the card clasped against her little Turkey-red breast and her deep-fringed lids fell shyly over the lovely dark eyes. She threw her weight sideways against Miss Silverton's knee, and at last got out the question: "Do you give these to little girls, lotsa little girls?"

Bless the child! Like Miss Silverton, she too wanted to know if she were especially—really loved,



"I love animals"

or if she were merely the chance object of a general and comparatively valueless good-will.

"I never gave one to a little girl before in my life," Miss Silverton bent down and answered her with gentle seriousness; so much more satisfactory an answer to the child than would have been the laugh and hug some of the rest of us must have given.

Pigtales turned, still shy but shining, and held out the card to the Brigand.

"I wanted her to know where I lived," Miss Silverton was saying, "so she could come and see me."

But the Brigand did not seem to hear; he was staring at the card with a very odd confounded countenance. He made a sound that was half a groan; he stared at Miss Silverton and back at the card, and a silence that was portentous hung over the group.

"Gimme," said Pigtales, stretching out her hand, displeased, but not distressed. Grown-ups are so queer it is impossible to take much account of their vagaries. "Gimme," Pigtales repeated authoritatively. There might be some nonsense about her having this priceless treasure, but experience had taught her to be firm with the Brigand. He obeyed now and Pigtales gave the card to Miss Silverton to return to the pocketbook. Still only Pigtales spoke. "Gee! there'd be a nice house!" Pigtales' mind was off to pastures new, and

she, leaning again against the lady's knee, fell to planning an establishment to be shared with Miss Silverton (in her oyster-gray tailor-made gown!) under some thick bushes—they hollowed out underneath into seductive leafy coves. "You can be a lodger," began Pigtales, but the Brigand called her with short sharp syllables.

He had risen, and he turned to Miss Silverton with farewells, graceful still, in his doglike simplicity, but mysteriously disturbed, and with a look of pain in his eyes. "Musta go, t'ank you, kinda lady, musta-go."

Miss Silverton was on her feet, disturbed too. She touched the man's sleeve. "Won't you let me see something of this precious baby?" The tears stood in her eyes. She knew something was wrong, she could not guess what, but her hold and her hope were with the baby.

The Brigand bowed, and, again giving that stifled groan, caught Pigtales' hand and started off. But Pigtales was not to be so easily separated from her affinity; she broke away and threw her arms around Miss Silverton's knees. "I'm comin' to see you," she cried, "one Saturday or one Sunday, one of those days."

"Come Sunday," began Miss Silverton; but, moved by this parting, Pigtales' little soul was lifted to the great issues. So it has happened with us all some time. "I will be a good girl; I won't get mad any more!" Before Miss Silverton could stoop to hold her close the Brigand was there in front of her, and Pigtales at three words from him was off readily enough to her house under the bushes—grown-up mysteries worked well enough this time in deferring the evil hour of departure. The Brigand kept his eyes on her a moment, and when he turned to Miss Silverton he spoke first with his wonderful Italian gestures. Salvini need not have been ashamed of them, but how are words going to describe them—the blow on the breast and the dropped head that declared: "I am a sinner"; the fallen arms and open palms that said: "Do with me as you will"; and the quick, prayerful, clasped hands and glance out of his sad dog's eyes that besought that his judge, after all, should remember little Pigtales? And all these movements running swiftly one into the other with marvelous spiral turns such as none of us could achieve in a thousand years! Miss Silverton was counted a graceful woman, but she had no power in the world to answer in kind; however, she had the sweetest gray eyes in the world, and they were wet now, for hers was the kind of heart that leads to understanding.

"You laka de Madonna, I tella you," said the Brigand. "I, nudder mans, too, I do job, I robba your house."

"Oh, no, no, my house hasn't been—been robbed," Miss Silverton's protest was first of all polite, as one says: "No, no, really, you didn't step on my train."

"To-nighta, to-nighta, you getta watchman. I goin' way; I not, I notta take not'in' off you, not if I getta"—he drove an imaginary knife up to the hilt in his breast. "But now I tella you dat betta."

Miss Silverton understood. After he had seen the card he had determined not to "do the job" in the house on West Ninety-fourth Street. He had made up his mind to get out of his scrape as best he could; but now he had chosen the better way, was making a clean breast of his plight and warning Miss Silverton to get a watchman. After that one silent appeal for the sake of his daughter he showed no more fear. It would have been silly to be afraid of Miss Silverton, afraid that she should fail him in any way once he had told her and looked at her; and the Brigand was no fool. They sat down again as a committee of ways and means, to cook up a plan whereby the Brigand need not, and no one else should, rob Miss Silverton's house, and calculated at the same time to throw dust in the eyes of the unwilling and defrauded pal. If you'll believe it, the only pang Miss Silverton felt was at "doing" the pal; but even she saw that was absurd. She told herself so.

The two held quite a long conference.

That Pigtales made a green-grocer's stall of Miss Silverton's lap, and bought "pretendin'" cabbages therefrom with "pretendin'" money, did not materially interrupt them. The practical points were soon settled. The night watchman would "fix" both sides of the dilemma. It was the autobiographical details of the Brigand, sympathetically solicited by the lady, that took up the time. He was as frank with her as if she'd been a plaster image in a niche with a lamp burning before her. He seemed to feel toward her just about as he did to the Virgin he prayed to. At home in Sicily he had been a really truly brigand. Think of that guileless Miss Silverton guessing it the first time! He said he'd been a bad man, yet he did not seem to mind very much, but to feel, on the contrary, that with the Higher Inteligences (Miss Silverton and the Holy Virgin, to wit) exculpation was easy. People were so terribly poor in Sicily, it was rob or die. A wonderful shrug, with a devil's glint of the eye, declared that for himself he preferred to rob—one might have imagined, indeed, that if it came to a question of death he preferred that others should die. But with the bambina he had come to America to turn over a new leaf. He had taken care of the bambina always; her mother had died when she was born, and he deeply deplored ways of life that might separate him from her. But—but times were

very hard. He had gone into this scheme to rob the house on Ninety-fourth Street to help tide him over till after the election. He "swings a seven vote"—he held up seven fingers to prove it. After election an Irishman (mentioned as one should say a member of the reigning family) was going to put him on the tunnel, and then he could be good. Speaking after the manner of the vulgar, Miss Silverton sat up. Politics might not be her field, but she had not driven herself into the Municipal League altogether for nothing. With a delightful sense of penetration she now drew the conclusion that these seven votes were to go to the enemy, and that this "fixing" was to be the enemy's reward therefor.

"No, no," said Miss Silverton, "you must vote the Citizens' ticket, all seven of you, and I'll get you work right away. I can—somehow—and I will. I'll trust you to vote right, if you'll promise me." "Vote right"—she had even picked up some of the lingo of the political heeler, and certainly it came in pat now.

The Brigand looked a bit bewildered for a moment, and then he said, fervently: "You getta me way work, keep bambina, no go up riva, no penitensh, neva, I vota for you, mak dem all seven vota for you, all day!"

He couldn't say fairer than that, could he? Miss Silverton was not only pleased, she was proud. The deal was made, and there was a general sense that the

meeting was adjourned. Miss Silverton set an hour of the next day for the Brigand to come and see her, stipulating, you may be sure, that he bring Pigtales.

"I'll get something for you to do right away," said she, "and after a while—"

"Affa' lection," said the Brigand, with a sweet smile—he did not seem to reckon with defeat whichever way he swung his seven votes, and Miss Silverton, if you please, did not repudiate the subtle suggestion. She let it go at that. Wasn't she turning out a sufficiently practical politician? And then they say women have no head for public affairs.

Miss Silverton kissed Pigtales good-by (Pigtales throwing both arms tight around the lady's neck at the first opportunity), and probably that was as much to the point in reforming the Brigand as her politics.

For you may as well know the worst at once (the worst strain on your credulity): Miss Silverton did immediately and permanently (so it appears at this writing) reform the Brigand. She herself had small conception of the astounding character of the feat—perhaps that fact helped her to success. She had a lurking perception, however, that there were those who would find the whole affair too funny for her comfort, or, perhaps, for the good of the Brigand, and she was pretty secretive about it. Certainly when the Brigand and Pigtales turned up promptly next morning no one could have fancied from the manners of either guests

or hostess that within the twenty-four hours the lady and the plate had required armed protection from one of her visitors. Before the day was over she made one confidant. She took the case (and Pigtales—see the cunning of her!) to the one man in New York, the American from Denmark and general guardian of the town, who was sure to efficiently sympathize with her and make the impossible easy. Of course, it is difficult to find a living good enough to replace the income of a criminal in fair practise, and there was hesitation on the part of mere male men as to promising him a city job if the Reformers won, but Miss Silverton was a lady of some affluence and some influence, and, above all, she had the heart of Pigtales. That was the key, the only key, the complete key to the whole situation. It is doubtless hard to come down from the large, exciting gamble of burglary to the stale, flat, and unprofitable labor of digging in the dirt, but the Brigand had the chief ends of his life to gain by it, and he did it. Also he swung his seven votes properly for reform. That was the only thing in the whole history that Miss Silverton saw as wonderful—that and, of course, the attractions of Pigtales. Reform won that time (the last time up to this date), and, modest as she is, Miss Silverton on occasion betrays an innocent vanity in that unrepented victory. Evidently she can't get away from the feeling that those seven votes, her seven, did the deed.

WHAT IS YELLOW?

By NORMAN HAPGOOD

CIRCUMSTANCES seem ripe for something about the function of the press, and trifles of recent occurrence spur us to unfold our faith. The "Public Ledger," of Philadelphia, has followed up its editor's fairly urbane and silly speech with an editorial so feeble and mendacious that one can hardly say whether the rarer completeness is exemplified by its idiocy or its untruth. Although its account of what was said by me at the Contemporary Club in Philadelphia is a type of all that is discouraging in journalistic falsity, only its own opinions need be answered here.

"The charge," it says, "that the association of proprietary medicine manufacturers dominates the American press is a silly slander."

Poor ostrich!

Does the "Ledger" deny that a most exciting debate on patent medicines in the Massachusetts Legislature was kept out of every paper in Massachusetts, on March 16, 1905, except the Springfield "Republican"?

Does it deny explicitly, as it tries to by a feeble sneer, that \$40,000,000 in a year goes from patent medicine concerns through the advertising offices into the coffers of the press?

Does it deny that newspapers sign contracts which are made void if anything harmful to the patent medicine business shall be printed?

Does it deny that a wealthy business man in St. Louis tried to secure the printing of one of Mr. Bok's articles, even as an advertisement, all over the United States, a couple of years ago, and almost everywhere he failed?

Does it deny that the patent medicine association passed a resolution commending the newspaper publishers for this proof that their muzzles were on tight? Has it ever heard of the way in which this drug trust is now endeavoring to punish North Dakota editors for that State's label law?

Does it know anything about the telegrams sent by patent medicine men to legislators and newspapers this winter during the struggle over the Pure Food bill? Is this an example of how much the "Ledger" knows about the "news"?

The Proprietary Association of America, "so far as the 'Public Ledger,' or any other reputable newspaper in America, is aware, has never desired nor sought any relation whatsoever with the editorial or news department of any American newspaper."

Is the Cleveland "Plain Dealer" a reputable publication? Did it, on September 9, print as a despatch from Vienna an account of a marvelous cure emanating from the Vitæ-Ore office?

Was the following ever said in the legislative committee of the Proprietary Association's annual report?—"We are happy to say that though over a dozen bills were before the different State Legislatures last winter and spring, yet we have succeeded in defeating all the bills which were prejudicial to proprietary interests without the use of money, and through the vigorous cooperation and aid of the publishers. January 23 your committee sent out letters to the principal publications in New York asking their aid against this measure. It is hardly necessary to state that the publishers of New York responded generously against these harmful measures. The only small exception was the 'Evening Star' of Poughkeepsie, New York, the publisher of which, in a very discourteous letter, refused to assist us in any way."

Among the many letters received from Philadelphia attacking the "Ledger" for its vicious editorial is one of which the following is a part:

"March 16, 1906.

"The 'Ledger' takes the opportunity in this article to arrogate to itself a high grade of editorial morality and protests indignantly against your generalizations, and states, *inter alia*, that every week the 'Ledger' rejects some advertising contract at its highest advertising rate for the sole reason that the article to be advertised is a 'nostrum,' or a 'guaranteed cure,' or a 'remedy' of doubtful efficacy. I have clipped from the number of the 'Ledger' in which this editorial appeared a few patent medicine advertisements which

would seem to me to be inconsistent with this claim, and which I enclose. They are as follows: 'Quinines, Prevent run-down system, La Grippe, Pneumonia and Colds,' 'Dr. De Hardt's Pennyroyal Pills, cures Bright's disease of the kidneys.' This last-named nostrum, as you probably know, is otherwise advertised in other papers. Moreover, the 'Ledger' goes on to state that it will not insert at any price any advertisements of massage establishments. I enclose two such advertisements. It moreover states that it will not accept advertising of questionable financial concerns which issue flamboyant advertisements to lure innocent investors. I enclose one which is headed 'Money for nothing,' which would seem to me to be somewhat flamboyant in its nature. All of the above-mentioned advertisements appear in the same issue as the editorial against you, namely, March 14. Again, the editorial states that it will not accept any advertisement which is not marked as such. From the issue of March 16 I enclose an unmarked advertisement of Blum Bros., one of the large department stores here."

Fancy! Poor old "Ledger." Now, for innocence surpassing the innocence of angels, give an ear to this: "The advertising and news departments are usually in entirely separated portions of the publication building." Doesn't that make you feel the early freshness of the human mind, or the gentle celebration of repose? Of the "Ledger's" editor, or reader, has it not been writ:

"How happy he whose toil
Has o'er his languid pow'rless limbs diffus'd
A pleasing lassitude; he not in vain
Invokes the gentle Deity of dreams,
His pow'rs the most voluptuously dissolve
In soft repose; on him the balmy dews
Of Sleep with double nutriment descend."

The managing editor of this undisturbing sheet dubs COLIER'S yellow because we declare that private greed is destroying the people's heritage of beauty in Niagara Falls.

He objects to our saying that "Town Topics" practised blackmail, that people should know what their food is made of, and that certain problems have been solved better in other countries. No reader of the "Ledger," we admit, need fear that he will awake some afternoon to find the "Ledger" printing the names of wealthy advertisers who are blackening Philadelphia with soft coal; or printing possible news about complaints from employees of John Wanamaker; or discussing the tariff honestly; or saying anything about the relation between public charities and the ring; or emitting anything that Mr. August Belmont might not like. The "Ledger" will continue to print "only news." News! Nothing that matters, or that makes the sleep of prosperity less sound, can possibly be news. It is only "dynasties that totter and empires that are convulsed" that such papers treat. It is only remote and safe and uncontested things that constitute the news. As Holmes said to the insect:

"Thou mindest me of gentlefolks,—
Old gentlefolks are they,—
Thou sayest an undisputed thing
In such a solemn way."

"For the life of me I can not see any more to despise in the yellow society sheet that assassinate private reputations than there is to regret in a yellow weekly that systematically calumniate public institutions and undermines confidence in the general good faith and moral purpose upon which the whole fabric of social order rests." So cries the valiant "Ledger's" editor: and all because of what? Because of our views on "Town Topics," Patent Medicine, Pure Food, strangled Philippine relief bills, and Niagara Falls. If that be yellow, long may we wear that hue.

Journalism has a mission. More powerful in molding thought than any institution but the schools, it can not escape responsibility. "This business," says the railroad man, tack magnate, or butcher, "belongs to me. I shall run it as I choose." The right of even a coal operator or sugar king to ignore everybody but himself may be argued. Such a plea from a newspaper propri-

etor would be as shallow as if it were used by statesmen or ministers of the Word.

The newspaper, indeed, has entered upon fields formerly occupied by statecraft and the clergy. It affects policies and it plays upon morals and mental moods of thousands. To the task laid upon it, its response has not been low. Never was journalism so militant for the acquisition of liberty. With errors, with exaggeration, with trails of demagogue and self-interest, it nevertheless can point to achievements which justify the belief that it is no longer a luxury of the few but a benefit to all.

Without Lawson, "Everybody's Magazine," and certain daily newspapers, insurance would not now be in process of becoming safe.

Without the press, Mr. Fish would have no chance to-day in his struggle against the all-embracing grasp of Harriman and of Standard Oil.

In the press, if anywhere, lies the possibility of saving Niagara from parasites who are destroying it.

Through the magazines the passage of the national pure food bill, in spite of special interests arrayed against it, became a possibility, and the vast influence of the patent medicine and whisky interests found the first obstacle that it could not buy away.

Mr. Post is out for pure food.

The Ayer Company has left the Proprietary Association.

Other patent medicine manufacturers are in favor of a label law.

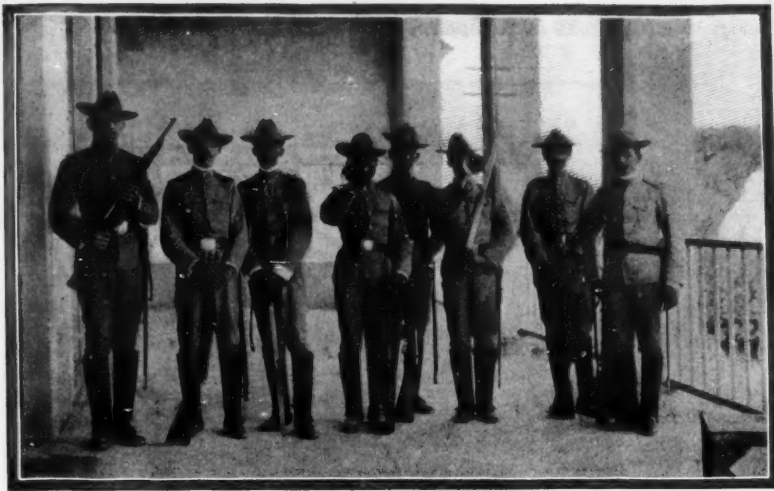
These business men take time by the forelock. They swim with the current, knowing they can no longer breast it, and the current has been hastened by the press.

If the Massachusetts ballot soon becomes general, it will be a victory of the press against the politicians.

If campaign contributions are everywhere by law made public, who will have led the fight for that improvement?

Who is doing most to make railroad and beef trust facts and problems understood? Who but the same magazine which has printed the history of Standard Oil and explained to the people the needed changes in State and city government? What a farce to speak of "McClure's Magazine" as yellow; what a dull, injurious farce, unless by yellow we mean every movement of benefit to our kind! Did Mr. Steffens's printing of the news about Philadelphia do any harm to the inhabitants of that town? Did it, or did it not, act as a battle cry which spurred the good citizens, and the newspapers, of that town to action? When original, living, and conscientious journalism speaks, the routine newspapers are sometimes forced to echo bold words which receive the public's approving seal.

COLIER'S is not much troubled by a name. Yellow has generally been applied to publications which, with excess of murders, and excess of lies, bend every energy to playing on the baser interests. Whoever applies it to the journalism of conscience is welcome to his phrase. To Mr. Addicks and Mr. Herriman, to Senators Hopkins, Aldrich, Depew, and Platt, such men as Folk, La Follette, Tom Johnson, Secretary Taft, and Mr. Roosevelt are very yellow men, indeed; and the leadership of these statesmen has been inseparable from the press. Never could their accomplishment have been so great had not the opposition of money and machines been counteracted by the strong and fighting organs of actual human needs and thoughts. COLIER'S hopes never to be yellow, in the sense of pandering to envy, hatred, or the jaded love of crime. It hopes always to put the man above the dollar, and the fact before the dead or dying superstition. If this be yellow, make what you will of harping on that word. Speak, if you like, for privilege and moral death, against fairness, living justice, and the happiness of mankind. Taking their part in the effort to make democracy a synonym for true equality before the law, magazines and newspapers of sympathy and ideals will not be injured by an appellation that may bring comfort to empty hearts or shallow brains.



A DETACHMENT OF RURAL GUARDS AT GUANABACOA



TOWN HALL IN MOURNING WHILE DEAD GUARDSMEN LIE IN STATE

CUBA AT BOILING POINT.

HOW A THREATENED REVOLUTION WAS AVERTED BY THE INFLUENCE OF AMERICAN CAPITAL

By 'A PERNICIOUS AMERICAN'

HAVANA, February 26.

YESTERDAY the city was in gala attire. Along the Prado, shaded by the laurels of the Indies, and about the Malecon washed by the cobalt-blue waters of the Gulf of Mexico, an endless procession wound its way—gaily bedecked coaches and automobiles fancifully arrayed and entwined with the party-colored serpentines, filled with beauties of Spain and of Cuba, dressed in costumes as grotesque or as whimsical as fancy dictated, or in the rarest of Parisian creations. The spirit of the Latin blood was let loose in the wildest enjoyment under a continual falling snow of confetti from the balconies above.

Into the gaiety came the startling word that at Guanabacoa, five miles distant, the Rural Guard had been attacked by revolutionists and that many were dead or dying. President Palma drove through the gay throng in apparent content. Our Princess Alice and her consort, as Nicholas Longworth is called here, bowed right and left in acknowledgment of the applause of the warm-hearted people, but it was true that in the suburbs of the city a band of revolutionists had raised their cry of "Remember February 24" (the date of the beginning of the war for freedom) and that of "For the Constitution and the Liberal Party," captured arms and horses, in spite of the guards' resistance, and fled to the interior.

This incident may pass, as undoubtedly the Government wishes it to, as merely the disturbance of a handful of malcontents and jailbirds, but that it has some relation to a more general feeling is fully believed by those who are aware of the restlessness that underlies the tranquillity of Cuba to-day. Primarily it must be understood that the Cubans are in no essential way different from the people of other Latin-American countries, and that political intrigue is second nature to them and their idea of government the individual power and opportunity for "graft" that it gives. Nor are there lacking those in public life who would emulate Castro of Venezuela and aspire to a dictatorship in place of the republic if the opportunity presented.

Since the period of intervention Cuba has been on her good behavior before the world. President Palma has exercised a strong restraining hand upon the native turbulence of his people, the Platt Amendment has had a strong moral effect, the general prosperity of the island has kept down discontent, but, more than all, the heavily vested American commercial and industrial interests have, in one instance, at least, prevented an actual outbreak of violence, the story of which may now be told.

Perhaps that country should be happy which, like the one that has no history, has no political issue. Cuba has none. In the two elections it has been a matter of men, not of policies. In its first, American guns guarded the polls. In its second, the Liberal party practically withdrew from the canvass before the polls were closed and allowed President Palma to take a reelection—practically by default. The ballot was a farce, and against it there is a deep-seated resentment that has caused restlessness since that time, the gathering of arms and the open expression of a determination to prevent President Palma from taking his seat for his new term on May 1. The disturbance of Sunday last is considered as evidence of a fermenting of that desire, following one or two other outbreaks and the rumors of several others on the same day at more distant points, actual confirmation of which is not forthcoming.

But, lacking an issue, the Liberal party seeks also a leader. It was marshaled before the election by its candidate for President, General José Miguel Gomez, a son of that General Gomez who was the patriot leader in the war against Spain. "Cuba for the Cubans" was practically the campaign slogan, taking more directly

the form of a declaration against the Platt Amendment that keeps Cuba under the continued espionage of the United States. Whatever the campaign cry, the fight of the Liberal party was the struggle of the "outs" against the "ins," the contest for public office. For public office in Cuba is public graft. Lacking any semblance of a civil service, the loot of public offices is something that would cause even a New York or Pennsylvania politician to blush for shame. The struggle for the spoils has raged most fiercely about the Department of Public Works, which has the award of heavy contracts for general improvements, road-making and bridge-building, and so fierce became the demand of the politicians for these spoils that one of the strongest men on the island, Luciano Diaz, resigned his portfolio rather than yield to it. The evidence is at hand of the demand for contracts and positions in technical capacities backed solely by the influence of a loaded revolver; and personal encounters are not unrecorded in which an American-educated Cuban engineer has had to stand off the contract hunters with force of arms.

While the opposition party's contention is not one of principle so far as the object is concerned, it feels, nevertheless, that it has been robbed of its constitutional rights for a free ballot, with the electoral machinery more strongly in the hands of the party in power and used in its own interest to an extent unknown at the present time in the States. With prosperity to keep the people busy and out of mischief, the Government has been able to suppress all attempts at insurrection, aided, as has been said, by powerful American interests—so powerful, in fact, that they are almost as much feared by the Government as the fully recognized existence of an organized revolutionary movement.

General Gomez visited the United States last fall, and, on his return, the campaign of the Liberal party flagged in zeal. Then followed the farcical election, the practical withdrawal of the Liberal party before the polls closed, and the reseating of the Moderate party in power for another four years. There was undoubtedly a threat to peace and conservative government in the election of Gomez, and it is from the followers of the Liberal party that the threats of trouble now come, backed by the possession of arms and the not infrequent outbreaks such as that of last Sunday under the cry of "For our Country, the Constitution, and the Liberal party."

They are not now led by General Gomez. His candidacy for the Presidency was so filled with possibilities inimical to safe government and commercial interests representing over \$100,000,000 of American money that Wall Street took a hand to keep Cuba stable. Throughout the United States the name of Sir William Van Horne is more clearly identified in the public mind with Cuba than any other. A rather careful examination of the situation in Cuba reveals the fact that in all probability the holdings of J. M. Ceballos and his following, both American and Cuban, are probably the largest and of the most vital interest, being almost wholly of the soil, but far-reaching in their influence. It was in the office of Mr. Ceballos in William Street, not a stone's throw from the financial centre of the United States, that the arrangement was made that took General Gomez out of disturbing politics and into the field of industrial activity, where he is now causing the sugarcane to grow in place of the jungle-grass and weeds.

It is said on positive authority that the business agreement entered into between General Gomez and Mr. Ceballos provided that the former should retire absolutely from politics. Gomez is a natural born leader, and his quiet acceptance of the defeat that met him at the polls carried much of his following with him and scotched the snake of revolution at that time.

At Silveira in the interior, on the line of the famous trocha, in charge of the work of the sugar company of which Mr. Ceballos is the head, General Gomez is in command of an industrial army of two thousand men

who are performing wonders in the clearing of land and the planting of cane. In practically one month three thousand acres of land have been cleared, one thousand of which have been planted in cane, a great main building has been erected, and a work is in progress that permits of no scattering of energy or tampering with politics and political issues. General Gomez is probably the only man in Cuba to-day who could lead a revolution, and he is far from it as one well could be, both by his contract with Mr. Ceballos and by his close personal friendship for Manuel Silveira of Havana, whose interests he represents. And this army of two thousand men under General Gomez, stationed at the trocha, is in a position to render practical aid to the Guardia Rural and effectually crush any revolution—with the Government's assistance.

It is this very situation that causes the Government much uneasiness. This standing army of industrials under General Gomez, who is looked upon by the mass of the people as a leader, is likewise looked upon as a standing menace to the Republic. An individual—a citizen of the United States, a New Yorker by birth though of Spanish descent—heavily interested in the American absorption of Cuba, is in the position of having an armed force at his command under a competent and popular general, ready to throw its influence for or against the Republic. There is no question that the Government looks upon Mr. Ceballos with an eye of suspicion, fearing from his already vast and steadily increasing interests that he aspires to be the Cecil Rhodes of Cuba, and that Gomez has been selected to play the part of Jameson at the proper time.

HAVANA, March 9 1906.

The sequel to the threatened uprising in Cuba may now be told, and it proves the practical soundness of the theory that the leading American capitalists are strenuously favoring the Government rather than the would-be disturbers of peace. Directly following the murders at Guanabacoa evidence was brought forth which implicated Senator Moruna Delgado as the instigator of the revolutionary plot, and that he has not yet been brought to trial is due to the Cuban Constitution, which provides that no member of the Congress can be arrested on any charge during a session without the consent by vote of that body. By refraining from attending, the Liberals have caused a deadlock and "no quorum," which has prevented the transaction of any business and, consequently, the passing of a vote that would bring about the arrest of Delgado.

The actual leader of the band that made the attack, one Miranda, a policeman, was captured in the woods near Aguacate, and in his confession he represented that he believed he was acting upon orders from General Gomez. To save the situation, Delgado and others rushed to Ciego de Avila to induce Gomez to take the field with the men who were under him with the Silveira Sugar Company and actually begin a revolution. The pressure upon Gomez was powerful. Without him no revolution could hope to succeed, and his personal interests were bound up with the heavy American interests at that point. The feeling of apprehension was so strong that the Government despatched a company of artillery to that point to prevent an outbreak. But it was not the frowning mouths of the guns that held Gomez back, for his two thousand men would have made short work of the artillery company, and in his attitude at that critical moment came the convincing test as to whether or not Mr. Ceballos had designs that were of the nature of a Jameson raid. The opportunity was present, and the use that was made of it is shown by the following telegram from the president of the company at Havana to Manuel Silveira at Ciego de Avila:

"If Gomez does not publicly declare his unconditional support to the Government under every possible condition, (Continued on page 28)



By IDA HUSTED HARPER

IN the story of the epoch which has witnessed a complete revolution in the status of woman, one character must ever stand preeminent—Susan B. Anthony. She had not the transcendent powers of speaking and writing which made Mrs. Stanton famous; nor the winning presence and persuasive words of Lucy Stone, which conquered the most unresponsive audience; nevertheless, she was for fifty years the supreme leader of the movement for the emancipation of woman. She was the only one who gave to it every day of her time, every dollar of her money, every effort of her mind and body; who had no diversions, no outside interests, who consecrated her very being to the single purpose of securing for women an equal chance in the struggle for existence. No other human being has a record of over half a century of continuous endeavor for one reform. Not only did she labor without ceasing herself, but she constantly stimulated others to work. Thousands of women have said and written to her: "I was tired, discouraged, wanted to quit—but I thought of you, of what you had borne, of how you had toiled for us, and I couldn't stop; I will always keep on." For all time her memory will be an inspiration for women to strive, to persevere, to hope, to conquer.

Many years ago the Chicago "Tribune," edited by Joseph Medill, said of Miss Anthony: "She has stood the storm of abuse that she has aroused with perfect equanimity, and while others were cowed by the ridicule, which was hardest of all to bear, she used this opportunity to show to women the real opinion of them entertained by the stronger sex."

This keen and truthful statement explains why, in the early years, Miss Anthony was more abused and hated by both men and women than any of the other reformers. She turned on the light. The masses of women had been for ages deceived into believing that men loved them because they were dependent and inert, and revered them because they accepted with meekness their inferior position. She pointed out to them that at their first effort to assert their liberty and independence they were overwhelmed with the derision and contempt of men who did not consider them worthy or capable of either. This angered the men and humiliated the women, and both made common cause against the one who had dared disturb the existing order. But the old régime began to disintegrate and a new and infinitely better one to evolve. As the evolution of women themselves has continued the most of them have accepted each new opportunity as their birthright, with no more thought of those who secured it for them than has the child of the mother who risked her life that it might live. But to the credit of the sex and the race there are countless thousands who go back to the first cause, and they find it in those dauntless souls who suffered crucifixion for the salvation of womankind.

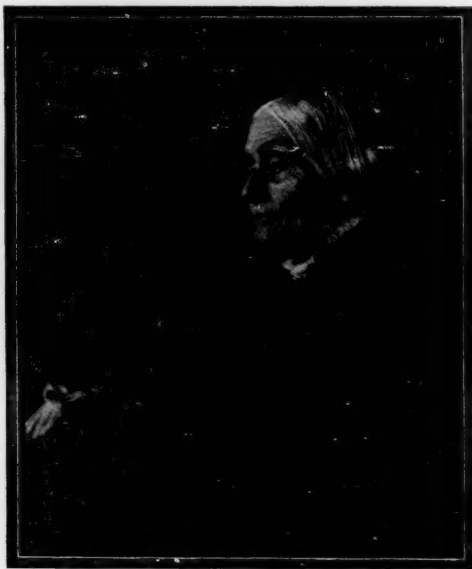
During the national suffrage convention in Baltimore last February, one evening was assigned to college women. Miss Anthony sat at the right hand of the chairman, Dr. Ira Remsen, president of Johns Hopkins University, and grouped about her were women presidents and professors of the five largest colleges for women in the world. They came as representatives of the tens of thousands of graduates and of the forty thousand women now in the universities and colleges of the United States, whose greeting was expressed by Dr. M. Carey Thomas, president of Bryn Mawr, in these eloquent words:

"To most women it is given to have returned them in double measure the love of the children they have nurtured. To you, Miss Anthony, belongs by right, as to no other woman in the world's history, the love and gratitude of all women in every country of the civilized globe. We, your daughters in the spirit, rise up to-day and call you blessed."

The audience of three thousand men and women rose with

cheers and waving of handkerchiefs as the honored guest came forward to respond with all the grace and dignity of more than fourscore beautiful years.

This great meeting was the full flower of that one which took place just fifty-five years before, when, in the parlor of Mrs. Stanton, at Seneca Falls, New York, herself, Miss Anthony, and Lucy Stone pleaded with Horace Greeley that the People's College, which was about to be established, should be opened to women



LAST PORTRAIT, TAKEN NOVEMBER, 1905

the same as to men. At that time, in 1851, the small college at Oberlin, Ohio, was the only one in the United States where they could secure admission, and even the high schools were closed to them.

Had these university women simply paid personal tribute to Miss Anthony, it would indeed have been but sounding brass and tinkling cymbals. What filled her heart with joy to overflowing was their demand that the many rights conceded to women should find completion in their enfranchisement. Miss Anthony was utterly without vanity or self-seeking. She cared

nothing for personal compliments and tributes, but always looked upon herself as simply an agency for accomplishing certain results. This fact was strikingly illustrated at the celebration of her eighty-sixth birthday in Washington, February 15, 1906. Letters had been read from a number of Senators and Representatives containing the usual platitudes about "distinguished woman" and "illustrious services," and finally one from the President, "congratulating her upon her birthday and wishing for the continuation of her useful and honorable life." Rising and coming to the front of the platform she exclaimed with all her old-time vigor: "When will the men do something besides extend congratulations? I would rather have President Roosevelt say one word to Congress in favor of amending the Constitution to give women the suffrage than to praise me endlessly!"

This was Miss Anthony's last appearance in public. In 1900 she resigned the presidency of the National Suffrage Association, which she helped to found in 1869, and in which she always had held official position. "I think I will let my name go up there with Mrs. Stanton's," she said, and the two stood as honorary presidents until Mrs. Stanton's death, two years later, left a solitary name and a lonely heart that never ceased to miss the friend of over fifty years. Of the thirty-eight annual conventions Miss Anthony missed but two, and to each of these she sent the entire proceeds of her week's lectures in the Far West. She appeared before the committees of every Congress, beginning with 1869, urging that this body take action toward the enfranchisement of women. She wielded the gavel over more conventions than any other woman. She lectured thousands of times, speaking in almost every State and Territory. Drummond's advice to "think of the body in order not to think of it" was carefully followed, and by strictly observing the laws of hygiene she was able to defy bodily ills and fatigue to an extent almost unequalled.

When she retired from the presidency of her association, at the age of eighty, it was not to avoid work but to accomplish certain things which she feared no one but herself could do, among others the collecting of a large fund, the interest to be used for securing woman suffrage. During the summer her sister said many times: "Susan has always worked harder than anybody I ever knew, but she is breaking her own record." The culmination came in September, when it seemed that the women were going to fail in raising the \$50,000 which was to secure the admission of girls to the University of Rochester. On the day when the final decision was to be made by the trustees she took a carriage and went from place to place, stating the emergency, and getting every contribution possible. She persuaded her sister to give \$2,000 from her careful savings, and late in the afternoon she appeared before the board and laid down her own life insurance as a pledge for the last dollar of the required fund. That evening the Anthony

home was crowded with the people of Rochester who came to express their delight, but in the midst of their festivities the central figure was missing. The faithful sister hastened to her room and found her unconscious. There was a touch of paralysis; it was light as the pressure of a baby's finger, but the ax had been laid at the root of the tree.

Miss Anthony apparently recovered, and her fine mental faculties were unimpaired, but she never regained her former physical vigor. She went in 1904 to the great International Council of Women in Berlin, where she received such honors as never before were given to any woman because of her own achievements. In 1905 she journeyed to Oregon to help inaugurate the campaign for woman suffrage. The indomitable will never weakened, but the body gradually yielded to the inexorable law of nature, and on the thirteenth day of March, 1906, she rested from work.



THE HOUSE, STANDING PRACTICALLY UNCHANGED, IN WHICH SUSAN B. ANTHONY WAS BORN

UP FOR TRIAL



ILLUSTRATIONS BY WALTER APPLETON CLARK AND GRANVILLE SMITH

By ARTHUR TRAIN

THE FIRST OF A SERIES OF ARTICLES ON CERTAIN ASPECTS OF CRIMINAL JUSTICE

I—THE JURY

IS trial by jury successful in criminal cases? Certainly it is popularly so regarded. Even lawyers and prosecutors will usually agree that it "works substantial justice." But this does not answer the question. In about three cases out of five "Judge Lynch" himself works "substantial justice." The function of the jury is not to "work justice" at all, but to decide a limited question of fact. They are there for the purpose of determining the issue without prejudice on the one hand or sympathy upon the other, and having no regard for the consequences of their verdict, they must accept unquestioningly the law from the judge upon every point and base their conclusions solely upon the sworn evidence in the case. This they swear that they will do. Yet they do not. Why? Is it want of intelligence, lack of regard for law, or vital misconception of their function?

Certainly it is not from want of intelligence. There can be no question as to the capability of the ordinary jurymen to perform his duties.

The independent American is singularly adapted to just this form of investigation. If the English be "a nation of shopkeepers," we are a nation of natural cross-examiners. You will find fully as good verbal fencing in a New England corner grocery store about mail time as you will in most courts of justice. But the very innate capacity of the native American to perceive the truth and get to the bottom of things, leads him to believe that he knows equally well, if not better than the judge, what ought to be done about it and what punishment, if any, should be inflicted upon the defendant under the circumstances. It is not that our jurors are incapable or uninterested, but, paradoxical as it may seem, that they are too capable and too interested. They want to be not only jurors, but district attorney, counsel for the defendant, expert witness, and judge into the bargain.

Your shopkeeper in England makes a less intelligent, but a far more satisfactory juror. There they will impanel a jury in a few moments in a capital case, and so deeply implanted in the bosom of each jurymen is a respect for the law as such and an inherited reverence for the judiciary, which its uniformly high character has done much to foster, that, provided the facts are sufficiently established, the sex of the defendant, the condition of his or her family, the character of the motive for the act, will not be the subject of discussion or even of consideration in determining the verdict. It is enough that they are sworn to decide the facts and the facts alone. They are told by the judge what evidence they may consider, and what facts they may not consider, and did they not obey his instructions they would receive the severe censure of the public and the press.

There is a historical reason for this. In 1666, when a jury found a verdict of manslaughter after having been instructed that the evidence showed that it was murder, Kelyng, C. J., promptly fined them five pounds apiece. On petition, he reduced it to forty shillings, "which they all paid." In 1667 he fined eleven of the

grand jury twenty pounds apiece for refusing to indict for murder. The judges of the King's Bench said he was quite right, adding, "and where a petty jury, contrary to directions of the court, will find a murder manslaughter, . . . yet the court will fine them" (King vs. Windham, 2 Keble, 180). For centuries it was the common practise to severely punish by imprisonment, fine, and attainder juries who refused to convict on what appeared to the court to be sufficient evidence. Perhaps Throckmorton's case in 1554, when the jury acquitted the defendant of treason, is the most famous illustration of this. The court committed the jury to prison, eight being confined from April 17 to December 12, and on their discharge, the latter were fined, some sixty and some two hundred and twenty pounds apiece. The reasoning under the circumstances was obvious. If a jury found a man guilty improperly, he could be pardoned, but "if, having pregnant evidence, nevertheless, the twelve do acquit the malefactor, which they will do sometime . . . the prisoner escapeth. . . ." It is refreshing to observe that even

English juries "will do [this] sometime." All this naturally created, as it was designed to create, a tremendous regard for the judge and his instructions.

There is at the present time little of this wholesome regard for law in America. The jury realize that the judge's elevation to the bench is often a matter of politics alone, and sometimes have comparatively little respect for his character, learning, or ability. They frequently feel by no means confident that the punishment will fit the crime, and are anxious, so far as they can, to dispose of the case for themselves. For example, in one case where three defendants were found guilty of stealing in company a single object of value, the jury rendered a verdict of grand larceny in the first degree against one, grand larceny in the second degree against another, and petty larceny against the third. They did this because of the varying ages of the defendants, but in so doing obviously violated their oaths and usurped the functions of the judge. "Substantial justice" was accomplished.

There are hundreds of jurors who, having in all honesty taken the oath to "a true verdict find," will, once in the jury room, frankly turn to their fellows and exclaim: "Oh, let him go! He's only a kid. Give him another chance!" "Substantial justice," again at the expense of our regard for law.

As an example of what may occur, the recent case of Rosa di Pietro, tried for murder before the Recorder, in December, 1904, is illuminating. The defendant was a young Italian woman of good repute charged with shooting and killing her brother-in-law, who, the evidence clearly showed, had endeavored to persuade her to yield to his desires. She claimed to have shot in self-defense. Her story was so obviously a fabrication that no jury could have believed her, and must have found (if they had considered the matter at all) that she pursued her would-be seducer down the stairs and shot him in a dark hallway, as he was leaving the building. A "special" jury of perfectly intelligent men promptly acquitted her. I presume that after this all

the Italian residents will get their wives to do their killing for them.

In a well-known case the jury found the defendant guilty of manslaughter, instead of murder, because one of their number had read that the prisoner had been a "Rough Rider" in the Cuban campaign. After they had returned their verdict they learned that he had been nothing of the kind.

The action of the ordinary jury in a criminal case is right, as to finding the defendant innocent or guilty and guilty or innocent of the appropriate degree of crime, about seven times out of ten. The proportion of proper verdicts differs, of course, in various varieties of crime. In cases of common felony, such as larceny, burglary, rape, robbery, arson, etc., it is very much greater; in homicides and gambling very much less; and in commercial frauds and liquor tax cases 'still smaller, the number of convictions being inconsiderable. Making due allowance for the unconscious prejudices, sympathies, and idiosyncrasies of mankind, we have still, as citizens, a right to demand a far higher degree of accuracy in the verdicts of our juries—to expect the murderer to be found guilty of murder and the thief to be stigmatized as a thief. What is the explanation for this?

The fundamental reason for the arbitrary character of the verdicts of our juries lies not in our lack of intelligence as a nation, but in our small regard for human life, our low standard of commercial honesty, our hypocrisy in legislation, our consequent lack of respect for law, and the general misapprehension that the function of the jury is to render "substantial justice"—a misapprehension fostered by public sentiment, the press, and even in some cases by the bench itself, to the complete abandonment of the literal interpretation of the juror's oath of office.

Some Unenforceable Laws

I have heard judges from the bench congratulate juries upon having rendered a "merciful verdict"! And they are popularly expected "to temper justice with mercy," "exercise a wise discretion," and "to be moved to magnanimity." But the jurors who satisfy their emotions at the expense of their honesty, and the judge who countenances the performance, are worse lawbreakers than the defendant himself.

Moreover, we carry upon our statute books laws which we have no intention of enforcing, and which in our present state of development are actually unenforceable. Even law-abiding, law-loving, and (ordinarily) conscientious jurors will become lawless when compelled to sit in a case of this character. Thus while the three judges of Special Sessions find guilty some sixty per cent of those brought before them for violations of various phases of the liquor-tax law, a conviction by a jury in the General Sessions is practically unheard of. The grand jury have now reached the point where they practically refuse to indict at all in liquor-tax cases. Just as long as we have hypocrisy in religion, in business, and in legislation, so long shall we have hypocrisy in our courts of justice.

Of course, as we live in an age when violence is found inconvenient and annoying, your jury naturally condemns by its verdict crimes of violent character, and will make but short work of highwayman and thug. Burglars are unpopular both with the public and with the juror; and it needs no burst of rhetoric to induce a jury to find a verdict against a "firebug" or a "cadet." But once step into that class of cases the subject of which is commercial fraud, and the jury look upon the prosecution with averted eye. Just so long as dishonesty of one kind or another is openly countenanced in business, just so long it will be practically impossible, except under unusual conditions, to convict the fraudulent bankrupt or the retailer who has se-



The English shopkeeper as juror

cured goods and credit upon false representations. Mayhap there is upon the jury some tradesman who has "padded" his own credit statement; some one who has placed a fictitious valuation on his stock, or has told alluring but unsubstantial stories as to his "orders on hand," "cash in bank," and "bills receivable." What chance under those circumstances of a conviction?

"The jury, passing on the prisoner's life, May have in the sworn twelve a thief or two Guiltier than him they try."

"Why," says a juror, "here they are trying to convict this fellow Einstein of what everybody does every day in the year. Rubbish! Am I a thief? I don't have any criminal intent. He was just tryin' to boost his assets a little. He's no criminal." And out he goes to the jury room and persuades the other eleven that the defendant is no worse than everybody. Of course everybody isn't a thief. The syllogism is irrefutable. "I suppose you didn't believe that Mr. Einstein made those false statements?" I say, approaching him as he steps into the corridor. The juror pauses in lighting his cigar.

"Sure, he made 'em!" he remarks. "Of course he made 'em! But, hell, he's no criminal!" This is an actual experience.

The Selection of Jurors

Our distaste for physical violence has had rather paradoxical result so far as the jury is concerned, for it appears to be coupled with a small (and what seems to be a decreasing) regard for human life. Verdicts of murder in the first degree are exceedingly rare, and it requires a crime of a peculiarly atrocious character to induce the jury to send the defendant to the electric chair. This is due in part to the cowardice and in part to the misconception of their function, already dwelt upon, since in almost all murder cases the jury regard themselves as fixing the penalty. Inasmuch as most persons who meet death from violence are themselves of violent character, the jury frequently seem to believe that the defendant is entitled to a certain amount of consideration for ridding the community of his victim, and this often finds joyful expression in a verdict of manslaughter.

Totally distinct, however, from this trifling with justice, whether it be wilful or voluntary, is the unconscious bias of each member of the human family due to race, religion, education, and character. Hence jurors are examined with an elaborate care and minuteness of investigation which in practise is often shown to be ridiculous. In fact certain maxims having almost the force of legal doctrines have grown up about the selection of a jury. A defendant's counsel will invariably challenge an Irishman if his client be a negro, and vice versa. This is likewise apt to be the case if the client be an Italian. Talesmen with wives and children are generally supposed to be more susceptible to arguments directed to their sympathies. Hebrews are presumed to make particularly undesirable jurors for the defense where the crime charged is one of violence or arson, and are likewise usually challenged when the defense is "self-defense." Old men are popularly supposed to make indulgent jurors, although my own experience is to the contrary, and I have noticed that persons with long, drooping mustaches are invariably excused. Neither side as a rule cares for missionaries or persons engaged in philanthropic enterprises, since the prosecutor feels instinctively that their eleemosynary tendencies will extend to the prisoner, while the defense has a presentiment that they will lead him to favor the damaged complainant. Writers, editors, and publishers are generally excused by the defense as too intelligent, i. e., too prone to theoretic arguments as distinguished from a "broad view," which from the prisoner's standpoint means one including every sympathetic reason that can be suggested. Artists are distrusted by prosecutors as romantic and imaginative. Butchers, coffin-makers, sextons, grave-diggers, undertakers, and dealers in electrical supplies are invariably excused by the defendant in homicide cases for obvious reasons. Liquor dealers are believed to be prone to take a lenient view of the shortcomings of humanity in general, while persons of brisk, incisive manners naturally suggest heartlessness to the cowering defend-

ant. I know an assistant who will not try a case if there is a man with a pompadour on the jury, and neither prosecution nor defense cares for long-haired jurors of the "yarb doctor" variety, while the dapper little man with the "dickey" and red necktie is invariably excused by consent unless the defendant be a woman.

The frivolous character of these rules needs no comment. Almost every lawyer and every prosecutor believes himself to be a past master in the study of character from external evidence, and upon the most trivial and unnatural of pretexts will challenge a talesman so unfortunate as not to suit his fancy. Yet when all is done and when, after the most exhaustive examination and cross-examination of several hundred special talesmen, wrenched from their places of business or the bosoms of their families, twelve men have been finally selected and sworn, it is probable that they are in no respect superior to the first twelve who might have been chosen.

In murder cases each side may challenge peremptorily thirty talesmen, and numerous are the legal "jumps" over which they must successfully ride before they can qualify for service. Thus it is unusual in a homicide case to select a jury in less than two days, and in some instances it has taken two weeks. On the other hand, equally satisfactory juries have occasionally been selected in such cases in less than an hour.

The general futility of trying to secure a jury of particular capacity or intelligence, or one which will contain no juror of pronounced idiosyncrasies, is rather well illustrated by the following incident: The defendant's counsel, a man of considerable repute at the criminal bar, had spent over two days in the elaborate selection of a jury. It had taken him two hours to get a foreman to his fancy, but at last he had accepted a solid-looking old German grocer. After a trial lasting several days the jury convicted the defendant in short order, greatly to the disgust of the eminent lawyer, who vented his indignation rather loudly in the presence of the foreman as he was leaving the box. The old German leaned over good-naturedly and remarked, pointing to the door in the back of the court-room leading to the prison pen: "Vell, Mr. —, if you want to know vat I tinks, I tells you. Ven I see him come in through dot lee-tle door back dere, den I knows he's guilty!"

This lawyer now selects juries in thirty minutes.

Of course, some examination into the general qualifications of jurors and their possible bias in the case is imperative, and frequently the interposition of a peremptory challenge is not only justifiable, but absolutely necessary. A talesman will sometimes betray by an inflection of his voice a sentiment or prejudice which his words deny, or suggest to the vigilant counsel for the defendant the juror's susceptibility to the insidious flattery of the prosecutor in making him a part of the "organization of the court." On the other hand, the hyper-sensitiveness of counsel renders it easy for talesmen who do not wish to serve to escape. I know an estimable man who is regularly drawn upon the special jury about four times a year. He has never served. His method is as follows: Having taken his seat upon the witness stand he wrinkles his forehead and looks fiercely at the defendant. When asked if he has any objection to capital punishment he thrusts out his under jaw and exclaims: "I should say not! I think hang-

in's too good for 'em!" In reality, he is the mildest, the most sympathetic and the "easiest" of human beings. Another observant talesman who appears periodically has learned, I believe, his trick from the first. His stock reply to the same question relative to capital punishment is, "I have not. I believe in the Biblical

injunction of 'an eye for an eye,' and 'a tooth for a tooth,' and, 'Whoso sheddeth man's blood by man shall his blood be shed.'" Needless to say, he leaves the stand with the same alacrity as the other. Jurors readily enter into friendly relations with the prosecutor and defendant's counsel, but rarely with any effect upon their verdicts. In the first trial of Mock Duck, a Chinaman indicted for murder, where the defense interposed was an alibi, to wit, that the prisoner had been buying a terrapin in Fulton Market at the time of the commission of the crime (whence the prosecutor claimed that it was a case of a Mock Duck with a *mock turtle* defense), a jurymen met the defendant's counsel during recess and told him that there was no further need for him to call any more witnesses for the defendant, as the jury understood the situation perfectly. The lawyer took the hint, and upon the reopening of court closed his case, feeling sure of an acquittal or at least a disagreement. When the jury had retired the talesman in question made a long speech in favor of murder in the first degree, and refused to vote for any other crime. Such performances are rare. Of course, it not infrequently occurs that a juror by his manner of asking questions shows plainly his state of mind. The feelings of a prosecutor can be easily imagined when a juror turns in disgust from one of the people's witnesses, or those of a defendant's counsel when another, looking toward the prisoner, grinds his teeth and ejaculates "Brute!" as the evidence goes in.

The jury offers a fertile field for the study of human nature, and lawyers and prosecutors learn to look regularly for certain characters. Of these may be mentioned the too officious juror who asks hundreds of incompetent and irrelevant questions to which the lawyers are naturally afraid to object, and whose inquisitiveness has to be curbed by the court itself. Such a juror usually shows much conviction one way or the other in the early stages of the case, and before he has heard the evidence. Unfortunately his executive abilities usually fill the balance of the jury with such disgust that to have a juror of this sort on one's side is more of a misfortune than a boon.

Jurors of this variety frequently interrupt counsel during their addresses at inopportune moments. In one case an aggressive talesman broke in upon a burst of carefully prepared eloquence with the brutal interrogation: "How about the knife?" The counsel stopped, bowed to the juror, smiled, and said calmly: "Thank you, Mr. Smith, I'm glad you spoke of that. I am coming to it in a moment." The juror, satisfied, leaned back contentedly, but the lawyer has not "come" to the knife yet.

Practically the thing most desired by prosecutors and lawyers who are both convinced of the justice of their cause is homogeneity of some sort in the jury box. Naturally antagonistic elements are undesirable, and a wise selector of juries will try to get men of approximately the same age, class in society, nationality, religion, and general character. Of course, this is a difficult matter, but without a friendly and helpful spirit among the jurors cases will result frequently in disagreements. This is naturally less objectionable to the defendant than to the people, for ordinarily it may be said that "two disagreements are equivalent to an acquittal."

Equanimity of Jury Necessary

Anything may disturb the equanimity of the panel. At the beginning of a term, not many years ago, a jury was impaneled in a trivial case in which the foreman was a very large, tall, and distinguished-looking Irishman. The second man impaneled was an insignificant little fellow hardly five feet in height. It soon became evident that the big man scorned the size of the small man, while the small man equally resented the height of his more conspicuous fellow juror. Shortly after the jury had retired loud cries emanated from the jury room. The captain of the court, rushing in to see what was the matter, found the foreman holding the little man out of the window just over the coping, preparatory to letting him drop. Fortunately the foreman's homicidal intent was frustrated, but thereafter it was said that the jury took sides and that one never could get a verdict unless the particular jury sworn was composed entirely of big men or entirely of little ones.

The common idea that juries are prone to leave their decisions to chance, as by flipping a coin, or to act upon impulse, whim, caprice, or from a desire to get away, is grossly exaggerated.

It was Pope who sang in the "Rape of the Lock":

"The hungry judges soon the sentence sign,
And wretches hang, that jurymen may dine."

Unfortunately, if the jury is hungry or exhausted and anxious to dispose of the case, the defendant invariably gets the benefit of it. The "wretches" don't "hang," but instead are turned out with a rush. Instances of verdicts being determined by such considerations are in fact rare.

Much of the seeming misguidedness of juries in criminal cases is due, just as it is due in civil cases, to the idiosyncrasy, or the avowed purpose to be "agin' the government," of a single talesman. In an ideal community, no matter how many persons constituted the

(Continued on page 30)

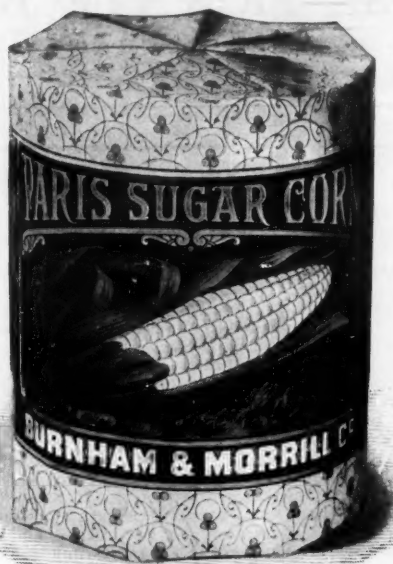


Persons with long, drooping mustaches are invariably excused



Found the foreman holding the little man out of the window

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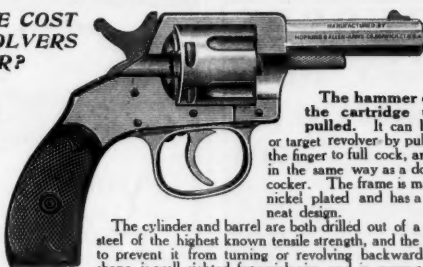


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THOSE PRIVATE BILLS

BY JOHN C. CHANEY
Representative from the Second District of Indiana

HOUSE OF REPRESENTATIVES, WASHINGTON, March 12, 1906.

TO THE EDITOR OF COLLIER'S—I have read your "Private Bill Graft" by a "Member of the Press Gallery" in the issue of March 3, 1906, and because you regard me as one of the arch-sinners, I have the honor to submit a few facts for the consideration of those of your readers who read the above-named article.

Private Pension bill legislation looks very different to a man in the "press gallery" from what it does to either the Pension Committee or the Committee on Invalid Pensions of the House of Representatives. It takes days and even weeks to examine and discuss the details of private pension bills in these committees in making ready for what the "Member of the Press Gallery" sees done in the space of seventy-two minutes in the House. Each individual case is carefully examined by the Committees composed of men honorable and conscientious in these duties, as they are in every duty to their fellows and their country.

There are many misstatements in the article referred to. It is an erroneous assumption that "five-sixths of the business of the House and four-fifths of the business of the Senate of the United States is private legislation."

In the Senate there are fifty-four regular committees and ten select committees. Of the regular committees there is one on Claims and one on Pensions.

In the House there are sixty-one committees. Of these committees there is a Committee on Claims, a Committee on War Claims, a Committee on Pensions, and a Committee on Invalid Pensions. The Pension Committee has charge of private bills relating to all wars but the Civil War. The private bills relating to the Civil War are within the jurisdiction of the Committee on Invalid Pensions, of which I am a member.

As you will see, therefore, two committees in the Senate, namely, Claims and Pensions, consider private bills, and sixty-two committees consider public business. Four committees in the House consider private bills and fifty-seven consider public bills.

There may be an occasional private bill considered by other committees; but, if so, it is a mere incident. The Military Committees, however, do consider bills embracing the military record of a soldier, and, consequently, all private bills for the correction of a military record or to remove a charge of desertion go to the Military Committees. These committees, however, rarely ever report for passage any such bills, so that such private bills are mere incidents and do not count in the work in which these committees engage. There has not been a single bill for the correction of a military record before the House for consideration at the present session.

The ratio of private bill business to public business is not greater than two to sixty-four in the Senate, and four to sixty-one in the House. Indeed, it does not equal this ratio when we consider the business actually done by the House and Senate through the several committees. Such bills are not favored, and only where gross injustice has been done will a military record be modified.

The Widow's Pension

The "Member of the Press Gallery" says that under existing laws the pension of the soldier upon his death "is continued to the widow or other dependents, regardless of the cause of the original soldier's death." That is not so. No soldier's pension "continues to the widow or other dependents." A widow, upon her own application and in her own behalf, may get \$12 per month if her husband died of the diseases or disabilities which he contracted in service, and if she has an income of less than \$250, \$8 per month, if he died of something else, even though in life he may have drawn a pension of \$30 per month or more. "The widow and the dependents" never do get the soldier's pension after his death, except what of his pension may have accrued from his last payment up to his decease.

If your correspondent had done himself the favor to read the committee rules as to special pension bills, he would not have made the unfounded statement that a "few dollars is given at a time in the beginning," with increases from time to time so as to keep the soldier in line at the elections. The rules of the committees do not permit the consideration of a private pension bill to increase a private act pension unless the Pension Bureau has, in the meantime, intervened to allow a larger pension than the private act allowed.

I have not taken the time to look up the record in the case cited by your correspondent in which it is represented that the soldier was in Company A of the Third Pennsylvania Artillery; but, of course, that case was not passed on the "certificate" your correspondent mentions. There was substantial evidence in that case, duly sworn to, or the bill would never have been reported for passage. But little, if any, reliance would be or was placed upon the "certificate" which your correspondent sets out.

As a matter of course, none but the committees charged with the responsibilities of examining into the details of the matters referred to them can master all these details, and they usually do it conscientiously and well; and, in consequence, the House is usually satisfied with the reports of the various committees and divides only on questions of policy. Therefore, the "speed" with which a bill is passed after it has had this careful consideration is no indication that it is a matter of favor and has not had the evidence sufficient to convince the committee of its merits.

Every one of these bills passes on its merits, and solely on its merits, and no bill but the one which has merit, in the judgment of the committee, is ever reported for passage by the committee having it in charge.

Why Special Acts are Necessary

There are worthy soldiers who served their country with fidelity, who can not be adequately provided for under the general pension law, nor by the act of June 27, 1890; because of the death of witnesses to the disabilities, or for some other equally potent reason, and because the act of 1890 does not allow a sufficient sum to a totally disabled soldier, without means, to keep him out of the poorhouse.

Men who are elected to Congress in these days have such an appreciation of the soldiers who went with Taylor and Scott to Mexico in 1846 and 1847, to those who saved the nation from destruction in 1861-65, and also to those who extended our horizon at Manila Bay, at Santiago, San Juan Hill, and in Luzon, that they do not propose to allow an individual one of them to rot in "potter's field." There are war-wives, too, brave as their heroic husbands, who, brushing away the tears, at the departure of their husbands to the front, turned to the care of babies in cabin and cottage, and toiled at the washtub, in the kitchen, and even in the fields of the farm, that the pursuit of happiness might be their portion later on if the head of the house were saved from the patriotic dead. Many of these widowed war-wives can not get a pension under the general law because their husbands did not die of the diseases or disabilities for which they were pensioned, and \$8 per month under the act of 1890 will not keep soul and body together in special cases of lack of means, dependent children, or ill health.

There are dependent mothers of deceased soldiers who sacrificed themselves somewhat to their country, who, on account of technicalities of one sort or



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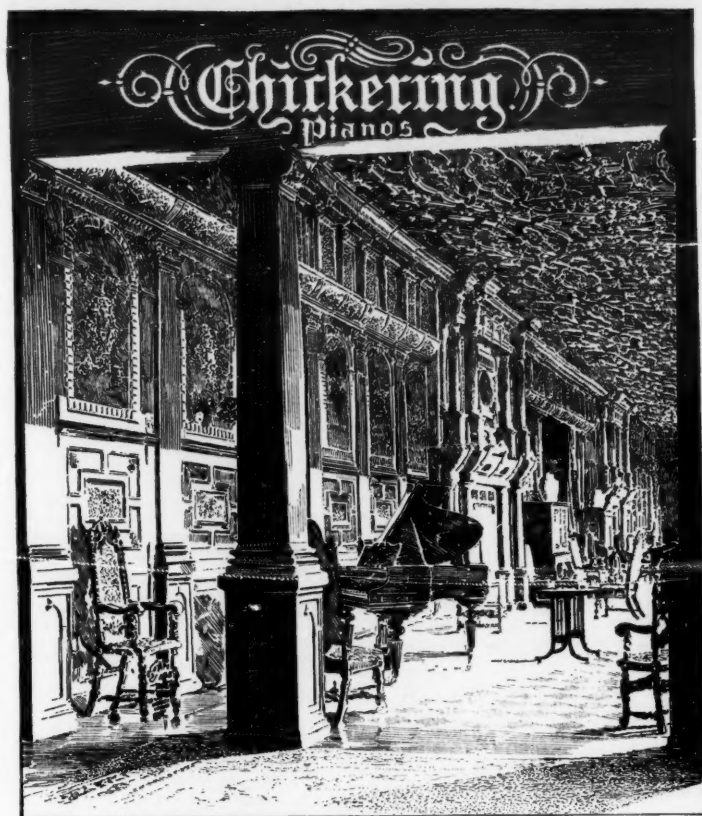
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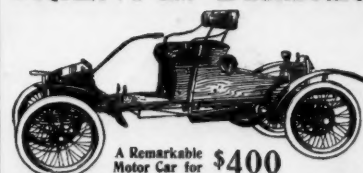
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THOSE PRIVATE BILLS

(Continued from page 26)

another under the law as administered, can not be pensioned at all. There are also found a few soldiers' children over the age of sixteen years, crippled from their infancy, or imbecile from their birth, requiring constant care from another person, to whom the pension laws do not extend. These are the exceptions to the very liberal pension laws of the country—can only be met by special pension legislation, and are the subjects of special bills in Congress.

This is no donation to soldiers and their dependents. The soldiers of the country's wars got no princely salaries for their services. In the Civil War, \$13 per month, with greenbacks at a discount, to save the nation from destruction is small compensation. Pensions are, in part, just compensation for heroic services faithfully performed.

There were those who called all general pension legislation "graft," but there is not one such person to say it now. The people of the country do not believe that the special bill, which seeks to make a worthy dependent soldier, whose case can not be proven, under existing laws, equal to his comrade's in arms, is "graft." Congress does not believe it is "graft," but simple justice—but tardy justice. And so the people and Congress think of the war-wives, now widowed, and the soldier's helpless children, and the good old mothers bent way over with tasks performed and duties faithfully done that a darling son might serve his country.

The special pension case must always be a worthy one or it is never reported from the committees. It is always one which existing laws do not reach. It is never, as your "Press Gallery" man supposes, a mere matter of favor.

There are ex-soldiers totally disabled for the performance of manual labor or any other labor, who, though incurring their disabilities in the service, can not produce the evidence of it to the satisfaction of the general law. They have no income as a rule. Having served more than ninety days they can be pensioned only at the rate of \$12 per month under the act of June, 1890. Many of them, too, have reached a point in their distress where they require the constant aid and attention of another person in their daily necessities. Such soldiers can not exist on \$12 per month. In each such case, it is either a private bill or the poorhouse, and Congress prefers the private bill, and I am glad to say that the young manhood of to-day agree with the Congress.

If such a soldier petitions Congress and proves that he had as much as a year's service in the army or navy, his pension will be doubled, under our rules; and if he requires the constant aid and attention of another person to care for his daily needs, he is granted \$30 per month; for it will take a dollar a day to keep him out of the poorhouse. If an ex-soldier served his country faithfully and contracted a total disability, but yet can not prove it from any army medical evidence, and, therefore, can not satisfy the general pension law, Congress gives him \$30 per month; and if he requires the constant aid and attention of another person to provide for his daily needs, it is made \$36 per month. In extraordinary cases of total blindness, loss of limbs or senility or extreme age, the pension is advanced to \$40 per month or even \$50 per month. Such cases, however, are very rare and are due entirely to the distressing condition of the beneficiary—always taking into consideration whether he has any private means of support.

Take the case of a soldier's wife during the period of war, widowed, without property, by the death last year of the soldier, who fails to prove, and can not prove, that her husband died of the pensioned disabilities—she can get but \$8 per month pension by the act of June 27, 1890. She is now old, in poor health, without means. Should there be any objection to her having \$12 per month for the rest of her days? Should she be charged with the failure of her husband to die of a disease contracted in the service? Can she subsist easier because he did not die to suit the pension laws? Do you call her \$12 a month "graft"?

And what are you going to do with an ex-soldier's imbecile children of over sixteen years of age? They are even more helpless than a healthy child under sixteen. And does anybody begrudge the pension to the aged mother of the deceased soldier who was supported by him until his death? Is it "graft" to pension her at \$12 per month?

Of course, all pension legislation of every kind and character, and in every instance and without any exception, is based, and depends, upon the honorable discharge of the soldier in whose right a special bill is passed.

The work of these committees is hard, and let them work as hard as they will they can not pass all the meritorious bills now presented to this Congress.

JOHN C. CHANEY.

CUBA AT BOILING POINT

(Continued from page 21)

and his permanent retirement from politics, I will insist on his immediate resignation of his position or, to the contrary, I will withdraw absolutely from the Silveira Sugar Company.

The immediate response to this was the following letter:

(Translation)

"CENTRAL SILVEIRA SUGAR COMPANY, March 5, 1906.

"Mr. Juan M. Ceballos, Havana:

"DISTINGUISHED FRIEND—I have received your letter, in which you ask for my opinion regarding the sad occurrences in Guanabacoa. Now that I have made the firm resolution to devote myself exclusively to my work and to my family, and to be removed completely from everything of a political nature, I will make an exception in this instance in order to please you.

"It seems to me there are no words sufficiently forcible with which to qualify what has happened in Guanabacoa. It is disgusting, cowardly, and criminal. I do not believe that any normal mind could conceive of so barbarous an action.

"I have always applauded acts that men of valor accomplished in the light of day and face to face, but those which are accomplished in darkness, in ambush, on people who sleep undisturbed by the thought of their enemies, that is not only cowardly and criminal, but it is, as I have said, disgusting.

"I do not know if your letter has any relation to the rumors which are growing and appear in some of the newspapers, to the effect that I am conspiring, and that the Company whose business I conduct is the centre of a conspiracy which is tolerated by you. Nor do I know whether the Government believes such fabrications, knowing, as it does, and as the Government employees do, my patriotism as well as my open declarations, and my devotion to my work for the purpose of earning bread for my children. But if it is so, if you are to be injured because in return for my honesty you give me work, I beg that you will consider at your disposal my resignation of the position of administrator of the Silveira Sugar Company, which resignation I have verbally presented to Mr. Silveira.

"I will retire to Sancti Spiritus, to my family; there I will await your final decision and the fate to which my country may consign me. . . . a country for which I have so greatly striven and in which, apparently, to-day I am unable to live.

"At all events, you know that I am a man of feeling, and that I shall be grateful to you forever for what you have done for me. Your friend and servant,

"JOSE M. GOMEZ."

On its heels came Gomez to Havana, and he there by word of mouth emphasized his position more strongly. Deprived, therefore, by his own act of the leader under whom a force actually could be gathered, given by him an example of acquiescence to the will of the majority, the crisis has passed and there is little question now in any unprejudiced mind as to the nature of the influence that was brought to bear in aid of the Cuban Government, or of the influence of American capital in maintaining peace.

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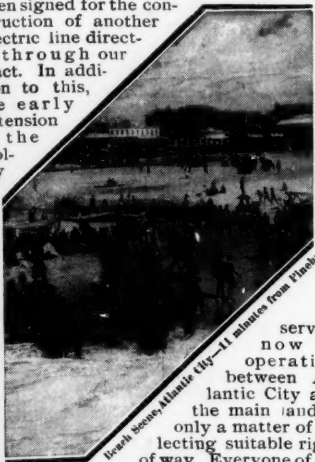
From 40 cents an Acre to \$1,000 a Foot

Those who have kept track of the development of Atlantic City in the past 12 years know that its real estate values have increased more than 800 per cent. Property along the famous Boardwalk is now held at a prohibitive figure—rents from \$250 to \$400 a foot and sells at \$1,000 a foot. A lot 50x100 feet that cost \$700 was sold a few months ago for \$50,000. A property bought five years ago for \$6,000 was sold recently for \$150,000. A small plot taken in exchange for debt of \$300 is now worth at least half a million. These facts can be verified from the records and are only a few of the many instances that could be cited.

TROLLEY DEVELOPMENT

As Atlantic City is located on an island only three-quarters of a mile wide, its steady expansion has created a great demand for building properties on the main land adjoining. Lots at Pleasantville Terrace, a suburb of Atlantic City we laid out a little over a year ago, have more than doubled in value.

In addition to a fine steam road, the Penna. R. R. is building an electric line from Camden to Atlantic City, which will be in operation by July 1st. Bonds have been signed for the construction of another electric line directly through our tract. In addition to this, the early extension of the trolley



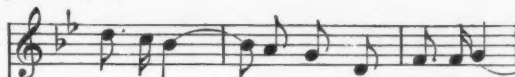
service now in operation between Atlantic City and the main land is only a matter of selecting suitable right of way. Everyone of observant habits knows how the 5 and 10 minute trolley service and the 5 cent fare have helped develop suburban property. With the completion of the trolley service the further rise in the price of our property is practically certain.

NATURAL ADVANTAGES OF PINEHURST
Aside from its easy accessibility to Atlantic City, the natural advantages of Pinehurst appeal to the most conservative investors. It is intersected by two state roads, one of which is the main approach to Atlantic City for automobile tourists. Prospective builders appreciate the fine pine and oak trees growing on this tract, for their shade and natural beauty. The elevation of the property is 75 feet above Atlantic City; the ocean breezes mingling with the balsamic odor of the pines, the site is an ideal one for a year 'round residence. Our plans contemplate a development similar to that of Lakewood. Fine hotels are to be erected (two already planned); streets are 60 feet wide; the rolling character of the land affords natural drainage; there are no swamps or malaria. There is not another point along the coast with so many natural advantages. That its future as a suburb of Atlantic City is assured is best attested by the large number of lots that have already been bought by local investors, for the erection of hotels, etc.

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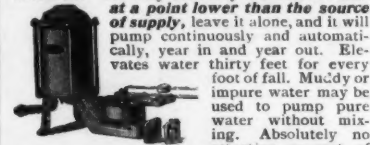
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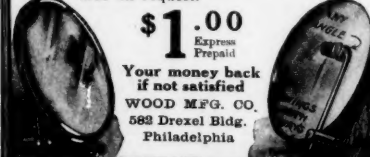
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UP FOR TRIAL

(Continued from page 24)

jury, provided the evidence was clear one way or the other, the jury would always agree, since they would all be honest and reasonable men. But just as a certain proportion of our population is mentally unbalanced, anarchistic, and criminal, so will be a certain proportion of our jurors. In addition to these elements there will in addition almost invariably be found some men upon every panel who are so obstinate, conceited, and overbearing as to be totally unfit to serve either from the point of view of the people or the defense. It is enough for one of these recalcitrant gentlemen that eleven other human beings desire something else. That settles it. They shall go his way or not at all.

The writer believes, therefore, that some allowance should be made for the single lunatic or anarchist that gets himself drawn on about every fifth jury, for if he once be impeached a disagreement will inevitably follow. This could be accomplished by reducing the number necessary for a verdict to eleven. Hundreds of juries have been "hung" by just one man. The trouble began a long, long time ago in a case reported in the Book of Assizes in 1367.

A jury naturally tends to lean toward the defense—to let the accused go if they can conscientiously do so; to find somewhere a reasonable doubt as to the prisoner's guilt—and it is only because the cases are so well sifted before they come to trial at all, and the wheat separated from the chaff (the defendants in very weak cases being frequently discharged on the recommendation of the district attorney himself), that the percentage of acquittals is not vastly greater.

This natural feeling of sympathy for the accused makes it all the easier for juries to be affected consciously or unconsciously by considerations they have sworn to disregard. Then if the defendant be a woman, or a poor man with a large family, or his crime has injured no one's purse, or restitution has been made, or if the offense charged is merely that of swindling by means of false representations as to credit, or of floating a seventy-five million dollar corporation whose assets are worth but thirty-five million, or the defendant is very young or very old, or wears a clean collar, or has an attractive personality, or, better, a beautiful wife, he is turned out with a cheer.

"For twelve honest men have decided the cause,
Who are judges alike of the facts and the laws."

Yes, the jury system in criminal cases is a "practical success"—and it "works substantial justice." It works the exact justice that we want—the exact justice that we deserve. As we grow to have a greater respect for human life and a higher regard for law and honesty, the verdicts of our juries will continue to keep pace with our condition. Then we shall want something better, and we shall have it. The day will come when dishonesty in business will lead to the ball and chain as assuredly as arson and rape. But the time is not yet.

Then juries will decide the issues submitted to them upon the evidence alone, without prejudice or sympathy, in accordance with the laws which they are sworn to uphold, without truckling to popular sentiment or fear of newspaper disapproval; then they will allow the judge to perform the functions vested in him by law without usurpation by their verdicts; and will "true deliverance make" between the people on the one hand and the defendant on the other. Then there will probably be no need for juries—for there will be no criminals.

WHO'S ZOO IN AMERICA

VERSES BY WALLACE IRWIN : : SKETCHES BY E. W. KEMBLE

SENATOR NELSON W. OILDRICH

WITHIN the Central Stock Exchange
change
(The "Senate" called officially)
Millionaire Oildrich doth arrange
The brokerage judicially.

For Oildrich says: "In God We Trusts
Are sacredly invincible—
And Heaven help the man who thrusts
His nose into our principle."

'Tis he who bids the Senate hinge
The knee or bend the back awhile,
Or who shall dance or who shall cringe
Or who shall hold the sack awhile.

Millionaire Clarke and Broker Platt
And Perkins and Depew, of course,
To him discreetly doff the hat
As other magnates do, of course.

The party feudists cease to broil
In this refined community;
The Sugar mingles with the Oil,
And Oildrich calls it "unity."

Here henchmen flock from many a State
Their homage to attach to him
With Standard Oil so saturate
You dare not touch a match to him.

The Nation's progress shall not lag
While Oildrich loves and hallows it:
He says the Standard's like the flag—
The Constitution follows it.

When Justice to the Senate comes
She's kicked from clerk to Senator,
From lobbies to committee-rooms—
Then sandbagged by the Janitor.

But all at once on bended knee
The Senators begin to rest
When sleek old Captain Industry
Drills in with Private Interest.



And so he stands admitted, salaamed—
How pleasant, as it were, to see
The Public very nicely damned
Through Senatorial Courtesy!

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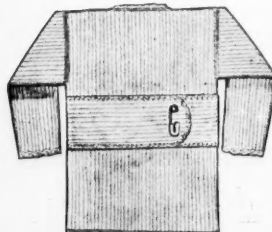
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